

Scotland Court of Session

A
CATALOGUE
OF
THE LORDS OF SESSION,
FROM THE INSTITUTION OF
THE COLLEGE OF JUSTICE,
IN THE YEAR 1532.
WITH HISTORICAL NOTES.

M.DCC.XCIV.

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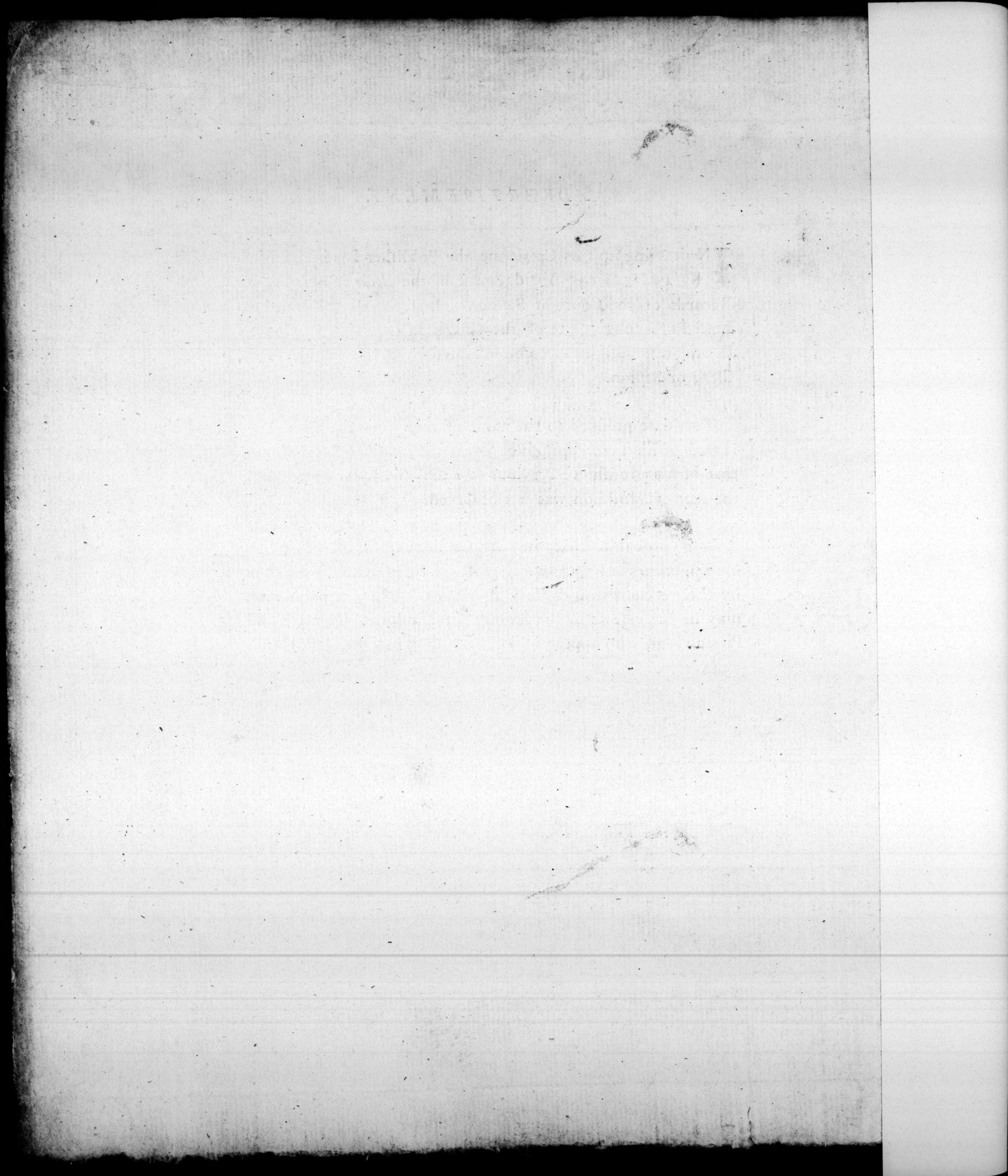


ADVERTISEMENT.

IN drawing up this Catalogue, the Publisher has been assisted by a Manuscript Abridgement of the *Books of Sederunt*, or Records of the Court of Session. It formerly belonged to Lord PITMEDDEN, one of the Judges in the reign of Charles II. and was obligingly communicated by Mr Alexander Tait, Clerk of Session.

THE date prefixed to the name of each Judge before 1561, is that of his first appearance upon the *Books of Sederunt*, not that of his admission: Previous to 1561, the form of marking the day of admission was not observed.

It is probable, that, in this Catalogue, the same Judges are sometimes inserted twice; first by their names, and then by their ecclesiastical dignity of Abbots. This, in particular, may be the case as to the Abbots of Lindores, Culrofs, and Pittenweem, who appear under those designations, 5th March 1542-3.



A
C A T A L O G U E
O F
T H E L O R D S O F S E S S I O N,
F R O M T H E I N S T I T U T I O N O F
T H E C O L L E G E O F J U S T I C E,

I N T H E Y E A R 1532.

[In this Catalogue, *Extr.* stands for *Extraordinary Lord*; *f* for *superfeded*; *pr.* for *promoted*; *r* for *resigned*; and *d* for *dead*.]

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1532. May 17 th	ALEXANDER MILNE, President.	Abbot of Cambuskenneth	
_____	Mr Richard Bothwell, (1.)	Rector of Eskirk.	
_____	Mr John Dingwall,	Prov. of Trinity, Edinb.	
_____	Mr Henry Whyte, (2.)	Rector of Finevin.	
_____	Mr William Gibson.	Dean of Restalrig.	
_____	Mr Thomas Hay.	Dean of Dunbar.	
_____	Mr Robert Reid. *	Abbot of Kinlosse.	
_____	Mr George Ker.	Provost of Dunglafs.	
_____	Mr William Scott,	Balwerie.	

Edinb.
Forbes
Edinb.
Haddington
Pigin
Haddington
Fife

* In the original nomination, Mr Robert Chanwell and Mr Arthur Boyes were inserted. But the books of federunt bear, that in their absence the Abbot of Kinlosse, and the Provost of Dunglafs, were chosen and admitted by the King. It does not appear that Mr Robert Chanwell or Mr Arthur Boyes ever officiated.

① He was one of the Kings Council in 1520. He was frequently one of the Committee for hearing Causes before the permanent establishment of the Court in 1532. He was made Kings Advocate in the beginning of 1525. He was charged in 1537, for holding intercourse with the attainted Douglases in England. He was much employed in negotiation with England. In Novemb 1524 Magnus in a letter to Wolsey represents him as one of the most learned and experienced men in Scotland, and well affected to England. On the 31 May 1525 Magnus requested Wolsey to give Otterburn a pension of £20 a year. He died in prison after the 1547. was murdered by the order of James V in 1548. See Knox's Acc't. Decem: 1548

A CATALOGUE OF

Date.	Name.	Title.	Predecessor.
1532. May 17 th	Sir John Campbell. (3.)	Lundie.	
_____	Sir James Colvill. (4.)	Easter Wemyss.	
_____	Mr Adam Otterburn. ①	Auldham.	
_____	Mr Nicol Crawford.*	Oxengang. in Collington p. 4. Colin th	
_____	Mr Francis Bothwell.	_____	
_____	Mr James Lawfon.	_____	
1532. May 27.	Mr James Foulis. (5.)	Collington.	
1537. Nov. 7.	Walter Lindefay.	Lord St John.	
_____	Sir Thomas Erskine.	Brechin.	
_____	Mr Thomas Bannatyne. ②	_____	
_____	Mr Robert Galbraith. (6.)	Parson of Spot.	
1537. Nov. 13.	Mr Henry Sinclair. (7.)	Dean of Glasgow.	
1538. Nov. 14.	Mr Henry Balnavis. (8.)	Hallhill.	
_____	Mr Thomas Scot. ‡	Abbotshall.	
1538. Dec. 10.	Mr John Letham. (9.)	Rector of Killcrist.	
1539. Feb. 16.	William Ruthven. Extr.	Lord Ruthven.	
_____	John Erskine. Extr.	Lord Erskine.	
_____	D. Brithman.	_____	
1539. March 2.	Mr Henry Lauder. (10.)	St Germain.	
1540. Nov. 19.	Mr John Sinclair. (11.)	Dean of Restalrig.	
_____	Mr William Lamb.	Rector of Conveth.	
1541. July 2.	William Keith. Extr.	Earl Marischal.	
_____	William Lesley. Extr.	Earl of Rothes.	
_____	Mr George Durie.	Abbot of Dunfermline.	
_____	Mr Andrew Durie. ✕	Abbot of Melrose.	
_____	Mr Donald Campbell.	Abbot of Cupar.	
_____	Mr Gavin Hamilton.	Abbot of Kilwinning.	

✕ He was made Justice Clerk the 21 Novemb: 1524. and he held the office till 1535 more than three years after he was appointed a Lord of Session. He probably died in 1537 or 1538

‡ He was made Justice Clerk in 1535. he was then designed of Pitgornie [now Pitgornie] Abbotshall p. 47 He held the office of Justice Clerk till the end of 1539. He died in June 1541. See Spots was 85 Hist. 71.

1532 Nicol Crawford — Oxengang.

G.H. Oxengang in Kirkintilloch — Dunbarton. ✓

S.F. Oxgangs in Collington — Edinburgh.

1554 ✓ Sir John Bellenden } Auchinoul } Father & Son of the family
1584 ✓ Sir Lewis Bellenden } Edinburgh } of Ballenden of Auchinoul
Auchinoul } afterwards of Broughton
See Doug: Peer: p. 63.

9/ Douglas says There are Auchentouls, but no Auchinouls
the name of Ballenden was assumed from the place of that
name in Selkirkshire. I cannot find where Auchinoul lay.
Broughton is near Edinburgh.

✓ 1584 John Graham Hallyards

Perth. sh

S.F. Hallyards in ruins — in Auchtertool — Infe.

G.H. Hallyards — in Marmor — Peebles.

G.S. Hallyards — in Alyth — Perth.

1592 Thomas Hamilton — Drumcairne

✓ 1681 ✓ M^r John Murray — Drumcairne } probably Perth. sh
Leaves M^r John Murray of Bowhill } In Douglas's Baronage p. 106
was one of the Senators of the College of Justice. This is probably
Drumcairne } in Lenzie } For far
the same person as there is no other John of the same period.
Drumcairne } in Lettnot } do
Drumcairne } in Methven } Perth
Drumcairne } in Abernethy } D.

✓ 1604 - Sir John Wemyss - a of Craigtown - Fife
Craigtown a great many. [Baron Hepburn]

✓ 1608 - Sir Andrew Hamilton - Redhouse, Haddington
for Rebellⁿ & forfeited the descend^t of this gentleman was hanged at Carlisle in 1746.
Redhouse in Auchterderran - Fife
Redhouse North of Haddington

✓ 1610 - Sir Alexander Hay - Newton Gifford. Haddington

✓ 1611 - M^r William Oliphant - Newton } Perthshire
✓ 1629 - Sir James Oliphant - Newton }

✓ 1641 Sir John Leslie - Newton - Fife

1676 } Sir David Falconer - Newton - Midlothian, his family
1682 } made President Colquhoun of Luff - the other Dead. was
went to two (where of). The eldest now lady
many places of this name. married to McKewen of Alton
= crange Perthshire

✓ 1622 - M^r Thomas Henderson - of Chesters - Fife
Chesters - in Ancrum - Roxburgh
Chesters - in Rutherglen - Lanark
Chesters - in Kinghorn - Fife
Chesters - in Denino - do
Chesters - in Lingo - Berwick.

take out of Renfrewshire Stirling sh

✓ 1626 - M^r Alexander Seton - Kilerouch - there is a Kilerouch in
Renfrewshire -
of the family of Seton of Touch. in Stirling shire
his title should be Kilerouch [Douglas Baron: p 170]

✓ 1627 - M^r George Haliburton - Fodderance - Haliburton of Dirlston
a great family in East Lothian. they resisted Cromwell, he took their
1641 - Sir George Haliburton - Fodderance (killed by storm, & hanged
the father & 12 sons out of one of the windows & profaned the estate, for
no such place now. bably there first, was
a younger son of that family, & got his title from a small farm on the
estate of his family - this is a common practice now - altho I know
no name now on Dirlston estate - any way resembling it
1632 - Sir John Hope - Craighall - [Fife]

~~many of this name~~ [See Douglas Baron: p 58.]

1636 - M^r Patrick Nisbet - Eastbank.

no notice of such in the baronage
no such place now.

✓ 1637 - M^r Adam Cunningham - Woodhall - probably in Ayrshire
the County of the Cunninghames
many of this name.
no notice of such in baronage

✓ 1641 - Sir Thomas Hope - Herse - Stirling shire now Lord Dundas
it was his title, when member for Stirling shire
Herse in Coylton

Herse in Lesmahagow

Several names of (arise).

1646

Sir Alexander Belcheres — of Tofts

Tofts — in Eccles — Berwick

Tofts — in Douglas — Lanark

Tofts — in Sinton — Peebles.

Tofts — in Eaglesham — Renfrew

✓ 1649

M^r Robert Bruce — Broomhall — Fife now the Seat
of Prince Earl of Elgin

Broomhall — in Mertoun — Berwick

Broomhall — in Dunfermline.

Broomhall — in Jedburgh.

✓ 1649

M^r Alexander Pearson — Southhall.

Argyllshire

1655

M^r Alexander Pearson — Southhall

Southhall — Inverchaolain — Argyll.

✓ 1649

Sir Robert Macgill — Ford. middlethian. now Part
of the Estate of Lady Dalrymple of Cranston. an heirs & represents
the family of Macgill & also several of this name. of Gtala

Edinburgh

✓ 1661

Sir Robert Murray — Lord Justice Clerk — the predecessor of
~~Sir James Dalrymple, who commanded at Fierce~~

The first President of the Royal Society of Glendoch
Perthshire. he was Lord Clerk Regis of Scotland in the
reign of Charles the Second — he Published the Statutes
of Scotland — a folio. generally called Glendoch's act of Parliament
to which is annexed. Iren. & verborum simplificatione

✓ 1661 — Sir Archibald Sterling — Garden — Corriden Lethgow Sh:
Gardean — — — — — Aiey — — — — — Forfar.

✓ 1661 — James Robertson — — — — — Bedlay in Lanark Shire, the
family extinct in the male line lately & the Estate sold —
Bedlay — — — — — Cadder — — — — — Lanark
Bedley — — — — — Methil — — — — — Perth.

✓ 1669 — Charles Maitland — — — — — Halton [Hutton in East Lothian
now to the Duke of Lauderdale, & predecessor of the present Earl
of S. — — — — — H. Minians

✓ 7. — Halton — — — — — Largs
Haltoun — — — — — Formartine.

Edinburgh Shire

✓ 1671 — Sir Thomas Wallace — — — — — Craigie near the Town of
Ayr — the estate sold, the family still exist, — — — — — Dunlops —
Several — — — — — of Ayr — a Parish.

1672 — Sir Robert Preston — — — — — of Preston
Son of Sir John Preston of Valley field in Perth Shire
Several of this name — — — — — [Douglas Baron: pg 2]
probably — Preston in Berwick.

✓ 1683 - M^r Thomas Stewart - Blair Perthshire. a still
existing family many of this name -

✓ 1683 - M^r David Home - Croce rig. Berwickshire
Croce rig - in Carmichael
Croce rigs - in Carlston

✓ 1693 - Sir William Hamilton - Whitelaw East Lothian
Estate sold lately. now wemyss of Cuthell life. that is wemyss
married the heiress & her son several of this name

✓ 1696 - M^r James Scougal - Whitehill and Lothian
many of this name Edinburgh

✓ 1707 - M^r James Erskine - George East Lothian. he
was brother to the Earl of Mar. professed in 1715
many of this name
of Sir Stirling or Aberdeen

✓ 1707 - M^r John Murray - Bowhill, Selkirk, Gidea-
Queen cross, 1st Part
two in life & one in Selkirk. C.A. (Emigration)
son of Murray of Philiphaugh over supply Sel
Douglas Baronage 1106

✓ 1724 - M^r Andrew Fletcher - Milton - a farm on the Estate
of Salton. he was Grand Nephew of the union Fletcher -
many of this name.

Gladdington

✓
1726 -

M^r Hugh Dalrymple — Drummore a son of Presid Dalz
- rymple of North Berwick. he took his title from a small farm on
Drummore N. West of Gladdington the Estate
of Hair in Galloway, & called the Estate he afterwards Purchased
Drummore several more of this name

✓
1751

M^r George Sinclair — Woodhall in East Lothian, then
a part of the Estate of Sir Rob. Sinclair of Stevenston, the 1st Gen
Errol of George. Eight of this name.
[See Paronage p90]

✓
1754 -

add

M^r Robert Pingle — a small farm
Edgefield. Part of the Estate of
Pryngle of (richton, of which family he was"
no such place now.

Edwin Shae

✓
1777

M^r David Dalrymple — Westhall in Aberdeen Shire, he
was a younger son of Drummore, by m^{rs} Horn heiress of Westhall
Westhall — in Oyne

Westhall — in Forquanderry

Westhall — in Torryburn



THE LORDS OF SESSION.

3

Date.	Name.	Title.	Predecessor.
1541. July 2.	Robert Maxwell. <i>Extr.</i>	Lord Maxwell.	
_____	John Lindefay. <i>Extr.</i>	Lord Lindefay.	
1541. July 5.	Mr ~~John~~ Foulis. <i>James</i>	Collington.	
1542. June 26.	Mr John Waddel.	Parson of Fliik.	
_____	Dr John Gladstaines. (12.)	_____	
1542. March 5.	Mr David Strachan.	_____	
_____	Mr John Hamilton.	Abbot of Paisley.	
_____	_____	Abbot of Lindores.	
_____	_____	Abbot of Culrofs.	
_____	_____	Abbot of Pittenweem.	
_____	George Seton. <i>Extr.</i>	Lord Seton.	
_____	Alexander Levingston. <i>Extr.</i>	Lord Levingston.	
_____	James Ogilvie. <i>Extr.</i>	Lord Ogilvie.	
_____	— Stewart. <i>Extr.</i>	Lord Innermeath.	
1543. Feb. 13.	ROBERT REID, President. (13.)	Bishop of Orkney.	Cambuskenneth d.
_____	Mr Thomas Wemyfs.	<i>of Unthan</i>	
1547. July 4.	Sir Robert Carnegie. (14.)	Kinnaird.	
1547-8 February 17	<i>Mr Abraham Creighton*</i>	Official of Lethian	
1547. March 19.	Mr George Hay.	Parson of Renfrew.	Was admitted one of the Lords of Session having produced the Governor's letter to that effect of date the 15 th instant. Books of Council & Session.
1553. Jan. 20.	John Hamilton. (15.)	Archbp of St Andrew's.	
_____	Mr George Durie.	Commend. Dunfermline.	
1554. Aug. 18.	Mr James Macgill.	Rankeillor Nether.	
1554. Nov. 13.	Mr Abraham Creighton.	Provost of Dunblaw.	
_____	Mr John Stevenfon.	Precentor of Glasgow.	
_____	Mr William Baillie.	Provand.	
_____	Mr James Scott.	Provost of Corstorphine.	
_____	Sir John Bellenden. (16.)	Auchinoul.	X
_____	Mr Thomas Marjoribanks.*	Ratho.	

* Mr. Thos. Marjoribanks of Ratho was appointed Clerk of Register, Rolls, and Council, during his life, on the 5 February 1548-9. Privy Seal. Reg. xxii fo 77. He continued so till on the 25 June 1554. Mr James Macgill Bishop of Edinb. was appointed same, for life. Id xxvii fo 68

* The Commission of James, who was appointed in 1552 to be only Recorder of Douglas. D. 1552.

* Mr Abraham Creighton Provost of Douglas appears as one of the Lords of Session 4th February 1549-50. Books of Council & Session.
1553-4 March Legitimation of Mr George Creighton bastard son natural of Mr Abraham Creighton Provost of Douglas. Privy Seal. xxvii fo 68

A CATALOGUE OF

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1554. Nov. 13.	Sir Richard Maitland. <i>Extr.</i> (17.)	Lethington.	_____
_____	William Chifolme.	Bishop of Dunblane.	_____
_____	Sir William Hamilton.	Sanquhar.	_____
_____	Mr Adam Livingstone. <i>Extr.</i>	Dunnipace.	_____
1558. _____	HENRY SINCLAIR, Pref. (18)	Bishop of Ross.	Bishop of Orkney <i>d.</i>
1560. Aug. 6.	Mr Archibald Dunbar. (19.)	Sub-Chant. Murray.	_____
1561. Nov. 12.	Sir Richard Maitland.	Lethington.	Sanquhar <i>d.</i>
_____	Mr John Spence.	Condie.	St Germaines <i>d.</i>
_____	William Keith. <i>Extr.</i>	Earl Marischal.	Lethington <i>pr.</i>
_____	Mr William Maitland. <i>Extr.</i>	Lethington younger.	Dunnipace <i>d.</i>
_____	Mr James Balfour. <i>Extr.</i>	Parson of Flish.	Abbot of Dunfermline.
1562. Dec. 9.	Mr John Wood. <i>Extr.</i> (20.)	Tilliedavy.	_____
1562. Feb. 11.	Mr Henry Balnavis.	Hallhill.	Lundie <i>d.</i>
1563. Nov. 15.	Mr James Balfour.	Parson of Flish.	Corstorphine <i>d.</i>
1563. Jan. 14.	Mr John Leslie. (21.)	Parson of Oyne.	Chantor of Glasgow <i>d.</i>
1563. Jan. 14.	Adam Bothwell. <i>Extr.</i> (22.)	Bishop of Orkney.	Flish <i>pr.</i>
1564. Dec. 14.	Mr Robert Maitland.	Dean of Aberdeen.	Bishop of Dunblane <i>d.</i>
1564. Jan. 26.	Mr David Chalmers. (23.)	Ormond.	Bishop of Ross <i>d.</i> 2 ^d January 1564-5.
1565. Nov. 13.	Adam Bothwell.	Bishop of Orkney.	Provost of Dunblane <i>d.</i>
1565. Nov. 14.	JOHN SINCLAIR, President.	Bishop of Brechin.	Bishop of Ross <i>d.</i>
1565. Nov. 26.	Alexander Gordon. <i>Extr.</i>	Bishop of Galloway.	Bishop of Orkney <i>pr.</i>
1565. Jan. 12.	Sir William Maitland. (24.)	Lethington younger.	Kinnaird <i>d.</i>
1565. Jan. 12.	Dr Edward Henryson* <i>Extr.</i>	_____	Lethington younger <i>pr.</i>
1566. April 26.	Mr Archibald Crawford.	Parson of Eglishame.	Bishop of Brechin <i>d.</i>
1566. May 29.	Mr William Baillie. <i>Pres.</i>	R. Provand.	Bishop of Brechin <i>d.</i>
1566. June 12.	Mr John Wood. <i>Extr.</i> (25.)	Tilliedavy.	_____
1566. Nov. 12.	Mr Gavin Hamilton. <i>Entr.</i> (25)	Commendator Kilwinning	_____

* See Maitland's Edinb. 190 the monument to him & his family.
His son Thomas admitted a Lord of Session in 1622 *in post.*

THE LORDS OF SESSION.

5

Date.	Name.	Title.	Predecessor.
1567. Nov. 19.	Sir John Wisheart. <i>Extr.</i>	Pittarrow.	Dr Henryson <i>f.</i>
1567. Dec. 6.	Sir JAMES BALFOUR, Pref. (26.)	Pittendrich.	Provand <i>f.</i>
1568. June 2.	Mr Robert Pitcairne.	Commend. Dunfermline.	Ormond <i>f.</i>
1568. June 2.	John Maitland. (27.)	Commend. Coldinghame.	Eglisname <i>f.</i>
1568. June 2.	Mr Archibald Douglas.	Parson of Douglas.	Bishop of Ross <i>f.</i>
1569. April 20.	Mark Kerr. <i>Extr.</i> (28.)	Commend. Newbottle.	Bishop of Galloway <i>f.</i>
1570. Sept. 30.	John Lion. <i>Extr.</i>	Lord Glamis.	_____
1570. Oct. 20.	Mr Thomas Macallyean.	Cliftonhall.	Hallhill <i>d.</i>
1573. Oct. 20.	Mr David Borthwick.	Lochill.	Condie <i>d.</i>
1573. Oct. 24.	Robert Boyd. <i>Extr.</i>	Lord Boyd.	Glamis <i>pr.</i>
1573. Jan. 18.	Sir John Wisheart. <i>Extr.</i>	Pittarrow.	E. Marischal.
1575. July 9.	Mr James Meldrum.	Segie.	Lauder <i>r.</i>
1575. Oct. 20.	Mr Robert Pont. (29.)	Pr. of Trinity College.	_____
1575. Oct. 21.	Mr William Douglas.	Whittinghame.	_____
1575. Oct. 26.	Mr Alexander Colvil.	Abbot of Culrofs.	_____
1575. Nov. 21.	Mr Henry _____ <i>Extr.</i>	Commend. Balmerino.	_____
1575. Jan. 11.	Mr Patrick Vanse. (30.)	Barnbarrow.	Dean of Aberdeen <i>f.</i>
1577. April 20.	Mr Thomas Bellenden.	Newtyle.	Auchinoul <i>d.</i>
1578. May 8.	Patrick Gray. <i>Extr.</i>	Master of Gray.	Boyd <i>f.</i>
1578. Oct. 25.	Robert Boyd. <i>Extr.</i> (31.)	Lord Boyd.	Master of Gray <i>f.</i>
1578. Nov. 11.	Mr Archibald Douglas.	Parson of Glasgow.	_____
1578. Nov. 25.	William Ruthven. <i>Extr.</i>	Lord Ruthven.	Pittarrow.
1579. Aug. 15.	Mr Alexander Hay. ^x	Easter Kennet.	Rankeillor <i>d.</i>
1580. Feb. 1.	Mr Robert Creighton. [*]	Ellick.	Lochill <i>d.</i>
1581. April 26.	Mr John Maitland. (32.)	Thirlestane.	Parson of Glasgow <i>f.</i>
1581. July 5.	Mr John Lindsay.	Parson of Menmure.	Cliftonhall <i>d.</i>
1582. June 27.	Mr David Macgill. (33.)	Nisbet.	Ellick <i>d.</i>

B

John Laing of Redhouse in E. Lothian said to have been a Lord of Session in the reign of James VI though not mentioned in this List. Trans. Ant. Soc. 7 of Scot. Law. 1. 520.

A CATALOGUE OF

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1583. Dec. 10.	James Stewart. <i>Extr.</i>	Earl of Arran.	Boyd <i>r.</i>
1583. Jan. 23.	James Stewart. <i>Extr.</i>	Lord Down.	Commend. Balmerino <i>r.</i>
1584. May 12.	John Graham. <i>Extr.</i>	Earl of Montrose.	Gowrie <i>d.</i>
1584. May 23.	Mr John Graham. (34.)	Hallyards.	Robert Pont <i>r.</i> <i>See Spotswood p 333.</i>
1584. July 17.	Sir Lewis Bellenden.	Auchinoul. (35.)	Lethington senior <i>r.</i>
1584. Nov. 12.	Patrick Gray. <i>Extr.</i>	Lord Gray.	Arran <i>pr.</i>
1584. Nov. 12.	Mr Mark Ker. <i>Extr.</i>	Com. Newbottle. (36.)	Newbottle <i>d.</i>
1584. Nov. 24.	Mr John Bartane.	Dean of Dunkeld.	Com. Dunfermline. <i>did 18 Oct 1584.</i>
1585. Jan. 27.	Mr Alexander Seton. <i>Extr.</i>	Prior of Pluscarden.	Down.
1585. Feb. 9.	Mr Thomas Lyon. <i>Extr.</i>	Balduckie.	Montrose <i>r.</i>
1586. June 21.	Robert Boyd. <i>Extr.</i>	Lord Boyd. ✓	Gray <i>f.</i>
1586. July 21.	Mr David Chalmers.	Ormond.	D. Dunkeld <i>f.</i>
1586. March 4.	Mr James Elphinstone.	Innernochtie.	Thirlestane <i>r.</i>
1587. June 2.	Mr John Colvil.	Chantor of Glasgow.	Commend. Culrofs <i>r.</i>
1587. June 21.	Mr Alexander Colvil.	Commend. of Culrofs.	Chantor of Glasgow <i>r.</i>
1587. Aug. 14.	Mr William Melvill,	Commend. of Tongland.	Dean of Moray <i>r.</i>
1587. Feb. 16.	Alexander Seton.	Lord Urquhart.	Segie <i>d.</i>
1587. Feb. 17.	Sir John Seton. <i>Extr.</i>	Barnes.	Urquhart <i>pr.</i>
1588. July 4.	Mr John Cockburne. <i>Extr.</i>	Ormistoune.	Boyd <i>r.</i>
1590. Aug. 8.	Mr Archibald Douglas.	Whittinghame younger.	Whittinghame <i>r.</i>
1591. Aug. 14.	Mr Thomas Bellenden.	Newtyle.	Newtyle <i>d.</i>
1591. Nov. 6.	John Graham. <i>Extr.</i>	Earl of Montrose.	Balduckie <i>f.</i>
1591. Nov. 11.	Mr Richard Cockburne.	Clerkintoun.	Auchinoul <i>d.</i>
1591. Nov. 26.	Mr Andrew Wemyss. (37.)	Myrecairnie.	Newtyle <i>d.</i>
1592. Nov. 9.	Mr Thomas Hamilton.	Drumcairne.	Ormond <i>d.</i>
1592. Feb 15.	Sir John Cockburn. (38.)	Ormistoune.	Hallyards <i>d.</i>
1592. March 8.	Sir Thomas Lyon. <i>Extr.</i>	Auldbar.	Ormistoune <i>pr.</i>

THE LORDS OF SESSION.

7

Date.	Name.	Title.	Predecessor.
1593. March 28.	Sir Thomas Lyon.	Auldbar.	Provand <i>d.</i>
1593. May 28.	Mr Walter Stewart. <i>Extr.</i>	Commendator Blantyre.	Auldbar <i>pr.</i>
1593. May 28.	ALEXANDER SETON, President.	Lord Urquhart.	Provand <i>d.</i>
1593. July 2.	Mr John Bothwell.	Com. Holyroodhouse.	Bishop of Orkney <i>r.</i>
1594. June 11.	Sir Robert Melvill. <i>Extr.</i>	Mordocairnie.	Barnes <i>d.</i>
1594. Nov. 30.	Mr John Skene. (39.)	Curriehill.	Easter Kennet <i>d.</i>
1594. March 12.	Mr John Preston. (40.)	Fenton-barns.	Cranston-Riddel <i>d.</i>
1596. May 19.	Peter Rollock. <i>Extr.</i>	Bishop of Dunkeld. (45)	E. Montrose <i>r.</i>
1597. May 28.	Mr David Macgill. (41.)	Cranston-Riddel.	Commend. Culrofs <i>d.</i>
1597. Dec. 2.	Mr Edward Bruce.	Kinlofs.	Barnbarrow <i>d.</i>
1597. Feb. 23.	Sir David Lindsay. <i>Knight</i>	Edzell.	Menmure <i>r.</i>
1599. May 17.	Alexander Elphinstone. <i>Extr.</i>	Master of Elphinstone.	Commend. Blantyre <i>f.</i>
1601. Feb. 26.	Sir Robert Melvill. <i>Extr.</i>	Bruntisland.	Mordocairnie <i>r.</i>
1604. Feb. 25.	Mr Alexander Hay.	Fosterfeat.	Kinlofs <i>r.</i>
_____	Sir James Wemyfs.	Bogie. (42.)	_____
_____	Sir Lewis Craig.	Wrights-lands.*	_____
_____	Sir John Wemyfs.	Craigtoun.	_____
1605. March 1.	JAMES ELPHINSTONE, President.	Lord Balmerino.	E. Dunfermline <i>pr.</i>
1607. May 29.	Mr Thomas Hamilton. (43.)	Prestonfield. <i>Eclintsh</i>	Cranston-Riddel <i>d.</i>
1608. May 17.	Sir Alex. Drummond. <i>Extr.</i> (44.)	Medhope.	Bruntisland <i>f.</i>
1608. June 30.	Sir Andrew Hamilton.	Redhouse. <i>Madungton</i>	Prestonfield <i>r.</i>
1609. June 6.	Mr JOHN PRESTON, President *.	Fenton-barns.	Balmerino <i>pr.</i>
1609. June 6.	Sir William Livingston.	Kilfyth.	Fenton-barns <i>pr.</i>
1610. Jan. 13.	Walter Stewart. <i>Extr.</i>	Lord Blantyre.	Lord Elphinstone <i>f.</i>
1610. Jan. 13.	Alexander Livingston. <i>Extr.</i>	Master of Livingston.	<i>Peter Rollock. S.</i>
1610. Jan. 13.	Sir Robert Melvill. <i>Extr.</i>	Bruntisland.	Medhope <i>f.</i>
1610. Jan. 30.	John Spottiswoode. <i>Extr.</i>	Archbishop of Glasgow.	E. Lowthian <i>d.</i>

Columb

* afterwards of Riccarton
See *Marble* Ed. 190.

(Add. Note. * This Gentleman's father is marked Baxter of Edinburgh. Birth-brief Register, Vol. 10. Page 171.)

* 27 *Prestonfield* See *Douglas Peer* 318

x Mr. Oliphant an Advocate in 1596. Maitl. Ed. 50. 27 Sir Mr. Oliphant afterwards Kings Advocate who died 13 April 1628 aged 77 years. In Jol. 1620.

A CATALOGUE OF

Date.	Name.	Title.	Predecessor.
1610. Feb. 3.	Sir Alexander Hay.	Newton.	Holyroodhouse d.
1610. May 16.	Mr Peter Rollock. <i>Extr.</i>	Piltoun. (45.)	
1611. Jan. 16.	Mr William Oliphant.*	Newton.	Edzell d. died 14 Decemr. 1610.
1612. June 12.	Sir James Skene.	Curriehill.	Curriehill r. see Spottiswood 517.
1613. Nov. 2.	Sir Gideon Murray. (46.)	Elibank,	Tongland.
1616. June 15.	THOMAS HAMILTON, Pref. (47.)	Lord Binning.	Fenton-barns d.
1616. July 5.	David Carnegie.	Lord Carnegie.	Fenton-barns d.
1617. March 15.	Sir George Ereskine. (48.)	Innerteil.	Bogie d.
1618. June 5.	John Maitland.	Viscount of Lauderdale.	Whittinghame r.
1620. Feb. 1.	John Ereskine. <i>Extr.</i>	Lord Ereskine.	Piltoun r.
1621. July 10.	Sir Alexander Gibson. (49.)	Durie.	Elibank d.
* Son of Edward Henderson see Maitland Ed. 198	1622. June 6. Mr Thomas Henderson.*	Chefters.	Wrights-lands d.
1622. July 12.	Sir Ro. Spottiswoode. <i>Extr.</i> (50.)	New-Abbey.	Archbp St Andrew's r.
1622. July 27.	Sir John Hamilton. (51.)	Magdalens. <i>of Magdalens Paris and my son Edwin Th</i>	
1623. Nov. 25.	Sir Archibald Napier. (52.)	Merchistoun.	Ormistoun d.
1623. Dec. 18.	Sir Andrew Fletcher.	Innerpeffer.	Craigtoun d.
1626. Feb. 14.	Sir JAMES SKENE, President.	Curriehill.	Melros pr.
1626. Feb. 14.	Sir Robert Spottiswoode. (50)	New-Abbey.	Curriehill pr.
1626. Feb. 14.	Mr Alexander Seton.	Kilcreuch.	Merchistoun f.
1626. Feb. 14.	Sir George Auchinleck. (53.)	Balmanno.	Lauderdale f.
1626. Feb. 14.	Sir Alexander Napier.	Laurieston.	Lord Carnegie f.
1626. Feb. 14.	Sir Archibald Acheson. (54.)	Glencairnie.	Clerkington f.
1626. Feb. 14.	Mr James Bannatyne.	Newhall.	Magdalens f.
1626. Feb. 14.	Mr Alexander Morrifon.	Prestongrange.	Newton f.
1626. Feb. 15.	Sir Archibald Napier. <i>Extr.</i>	Merchistoun,	
1626. Feb. 15.	David Carnegie. <i>Extr.</i>	Lord Carnegie.	
1626. June 1.	John Maitland. <i>Extr.</i>	E. Lauderdale.	
1626. July 2.	Patrick Maxwell. <i>Extr.</i>	Bishop of Ross.	

THE LORDS OF SESSION.

9

Date.	Name.	Title.	Predecessor.
1627. Nov. 8.	Sir James Learmonth.	Balcomie.	Glencairnie r.
1627. Nov. 8.	Mr George Haliburton.	Fodderance*.	Killyth d. <i>*24 Fotherans in Kethuns Forfarsh</i>
1628. June 18.	John Ereskine. <i>Extr. (55.)</i>	Lord Ereskine.	Bishop of Rofs f.
1628. Nov. 4.	Sir Archibald Acheson. <i>Extr.</i>	Glencairnie.	Lord Napier f.
1628. Nov. 8.	William Graham. <i>Extr.</i>	Earl of Monteith.	E. Lauderdale f.
1628. Nov. 8.	Sir Andrew Ker. <i>Extr.</i>	Master of Jedburgh.	Lord Carnegie f.
1629. Jan. 14.	Sir John Scot. <i>Extr. (56.)</i>	Scotstarvet.	Master of Jedburgh d.
1629. Nov. 3.	Sir James Oliphant.	Newton.	Forrester-feat r.
1629. Nov. 3.	Sir James Macgill.	Cranston-Riddel.	Laurieston d.
1630. Nov. 2.	Sir John Hamilton. <i>Extr.</i>	Magdalens.	Scotstarvet f.
1630. Nov. 10.	John Stewart. <i>Extr.</i>	Earl of Traquair.	Lord Ereskine f.
1631. July 28.	William Alexander. <i>Extr.</i>	Viscount of Stirling.	Glencairnie f.
1632. July 27.	Sir John Hope. ✓	Craighall.	Newton r.
1632. July 28.	Sir John Scot.	Scotstarvet.	Prestongrange died 20 Sept. 1631 in the 52 y. of his age <i>Theater of Scotland. 1704. p. 7. N. 101</i>
1633. Jan. 8.	Sir John Hay. <i>Extr.</i>	Barro.	Magdalens d.
1633. Nov. 1.	Sir ROBERT SPOTTISWOODE, Pref. <i>inherited at St. Andrews 20 January 1646.</i>	New-Abbey.	Curriehill d.
1633. Dec. 4.	John Maxwell. <i>Extr.</i> <i>Son of the Arch. bishop - educated at Glasgow College.</i>	Bishop of Rofs.	E. of Monteith f. <i>in Anth. Nov. 11 133.</i>
1634. Jan. 7.	Sir John Hay.	Barro.	Curriehill d.
1634. Jan. 14.	Archibald Campbell. <i>Extr.</i>	Lord Lorne.	Barro pr.
1635. Jan. 27.	William Alexander. <i>Extr.</i>	Lord Alexander.	E. Stirling pr.
1635. Nov. 1.	Mr Patrick Nisbet.*	Eastbank.	Newhall d.
1637. Jan. 10.	Sir John Hamilton.	Orbiefton.	Chesters r.
1637. March 1.	Sir William Elphinston.	_____	Redhouse d.
1637. June 6.	Mr Adam Cunninghame.	Woodhall.	Kilcreuch r.
1639. Feb. 9.	Archibald Douglas. <i>Extr.</i>	Lord Angus.	Lord Alexander d.
1639. March 6.	Sir James Carmichael.	Carmichael.	Balmanno d.
1639. July 9.	Sir Alexander Falconer.	Halkertoun.	Woodhall d.

* a younger son of Sir Henry Nisbet Provost of Edin. (in 1597) and a younger brother of William Nisbet of Dean who died Provost of Edin. in 1637. Patrick Nisbet Lord Eastbank was father of Sir John Nisbet of Dirlston Lord Advocate & a Lord of Session. Crawford MS. 4. 329.

A CATALOGUE OF

New Commission by Act of Parliament, 13th November 1641.

N. B. Those marked N. had not formerly served.

	Date.	Name.	Title.	Predecessor
Resigned Act	1641 Novemb. 13 ^d	Sir George Ereskine.	Innerteil.	
<i>do</i>		Sir Alexander Gibson.	Durie. Clerk Register	
<i>do</i>		Sir Andrew Fletcher.	x Innerpeffer. D. 1650 March.	was suspended for malignancy in 1649
<i>do</i>		Sir John Hamilton.	x Orbieftoun. Justice Clerk	
<i>do</i>		Sir James Carmichael.	x Carmichael. Treasurer Depute	
<i>do</i>		Sir James Learmonth.	x Balcomie.	
<i>do</i>		Sir James Macgill.	Cranston-Riddel.	
<i>do</i>		Sir George Haliburton.	Fodderance.	
<i>do</i>		Sir John Hope.	Craighall. in Fife	
<i>do</i>		Sir John Scott.	Scotstarvet.	
<i>do</i>		Sir Alexander Falconer.	x Halkertoun.	
1641 Nov. 13	N.	Sir John Leslie.	x Newton. — having turned more loyal he was suspended for this in 1649.	
1641 Nov. 13	N.	Sir Thomas Hope, <i>Junior</i> <i>Son of the King's Advocate.</i>	Kerfe.	Staunch rebels & Covenanters appointed in the room of Sir Robt. Spotswood President, Sir John Hope, Sir Patrick Aisbet & Sir William Elphinstone, who were removed for their loyalty. See Guthrie's Mem. 89.
1641 Nov. 13	N.	Sir Archibald Johnston.	Warriston.	
1641 Nov. 13	N.	Sir Adam Hepburn.	Humbie.	
		Archibald Campbell. <i>Extr.</i>	Earl of Argyle.	
		Archibald Douglas. <i>Extr.</i>	Lord Angus.	
	N.	John Lindsay. <i>Extr.</i> (57.)	x Lord Lindsay.	
	N.	John Elphinstone. <i>Extr.</i>	Lord Balmerino.	
1646. July 2.		Sir Alexander Gibson.	x Durie.	Innerteil d.
1646. July 2.		Sir James Lockhart.	x Lee.	Durie elder d.
1646. July 2.		Sir Alexander Belfches.	Tofts. Died in 1656	Kerfe d.
1649. June 1.		Sir James Hope. (58.)	Hopetoun.	

x all these were suspended for malignancy in 1649.

1640 Mr. Alex. Medderburn Clergy of Dundee. Guthrie's Mem. 74, 187
1646. ~~Mr. Alex. Medderburn~~
1648. ~~Same~~ p 216.

29 date of President Spotswood & Wm Murrays Execution see p. 169

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THE LORDS OF SESSION.

11

Date.	Name.	Title.	Predecessor.
1649. June 1. *	Mr Robert Bruce.	Broomhall.	_____ <i>Tife</i>
1649. June 1. *	Mr Alexander Pearson.	South-hall.	_____
1649. June 1. *	Mr Robert Macgill.	Ford.	_____ <i>1649. June 1. 111.</i>
1649. June 7. *	John Elphinstone. <i>Extr.</i>	Lord Coupar.	Balmerino d.
1649. June 8. *	Sir William Scot.	Clerkingtoun. *	_____ <i>* died suddenly at Edin. in Decemr 1656.</i>
1649. June 22. *	Mr George Winram.	Libbertoun.	_____
1649. July 3. *	John Kennedy. <i>Extr.</i>	Earl of Caffilis.	Crawford f.
1649. Nov. 1. *	Mr Alexander Brodie.	Brodie.	_____
1649. Nov. 1. *	Mr John Dickson.	Hartree.	Fodderance d. <i>Peebles</i>
_____ *	Sir Hew Campbell.	Cefnock.	_____

* all these covenanted & rebels. See Note (58) and Guthrie's Memoirs. 253.

Commissioners for Administration of Justice to the People of Scotland.

Appointed by Oliver Cromwell.

1652 May 18. The session sat Edin. - It was composed of English & Scottish Judges. See their names in Lamont's Diary 51.

Date.	Name.	Title.	Predecessor.
1654. Nov. 1.	George Smyth, Esq; (59.)	_____	_____
_____	William Laurence, Esq;	_____	_____
_____	Edward Mofely, Esq;	_____	_____
1655. Jan. 1.	Mr John Swinton. (60.)	Swinton.	_____
_____	Mr Alexander Pearson.	South-hall.	_____
1655. Nov. 7.	Sir James Lermonth.	Balcomie. *	_____ <i>* he died suddenly in the Parliamt. House 26 June 1657. Lamont. 124</i>
1655. Nov. 7.	Mr Andrew Ker. (61.)	_____	_____
1656. Jan. 4.	Sir William Lockhart.	_____	_____
1657. July 1.	Mr James Dalrymple. (62.)	Stair.	Balcomie d.
1657. Nov. 3.	Sir Archibald Johnstone. (63.)	Warrifton.	_____
1657. Dec. 3.	Alexander Brodie.	Brodie.	_____

A CATALOGUE OF RESTORATION.

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1661. June 1.	Sir JOHN GILMOUR, Pref. (64.)	Craigmillar.	
— — — —	Alexander Falconer.	Lord Halkertoun.	
— — — —	Sir Archibald Primrose.	Carrington.	
— — — —	Sir Robert Murray. (65.)	Lord Justice-Clerk.	
— — — —	Sir James Macgill.	Cranston.	
— — — —	Sir James Lockhart.	Lee.	
— — — —	Sir George Mackenzie. (66.)	Tarbet.	
— — — —	Sir Archibald Stirling.	Carden. <i>He died in April 1668</i>	
— — — —	Sir James Foulis.	Collington.	
— — — —	Sir James Dalrymple. (66 ²)	Stair.	
— — — —	Sir Robert Nairne. (67.)	Strathurd.	
— — — —	Mr Robert Burnet. (68.)	Crimond.	
— — — —	Mr James Robertson. (69.)	Bedlay.	
— — — —	Mr John Scougal. (70.)	Whytekirk.	
— — — —	Mr Andrew Ayton.	Kinglassie.	
— — — —	John Lindefay. <i>Extr.</i>	Earl of Crawford.	
— — — —	John Lesley. <i>Extr.</i>	Earl of Rothes.	
— — — —	John Maitland. <i>Extr.</i>	Earl of Lauderdale.	
— — — —	John Kennedy. <i>Extr.</i>	Earl of Caillie.	
1661. June 25.	Sir David Nevoy. (71.)	Nevoy.	Cranston <i>r.</i>
1662. June 4.	Sir James Dundas. (72.)	Arniston.	Crimond <i>d.</i>
1662. July 15.	John Middleton. <i>Extr.</i>	Earl of Middleton.	Caillie <i>f.</i>
1663. June 18.	Mr John Home.	Renton.	Sir R. Murray <i>r.</i>
1664. June 2.	John Hay. <i>Extr.</i>	Earl of Tweeddale.	Crawford <i>r.</i>

THE LORDS OF SESSION.

13

<i>Date of Admission.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1664. Nov. 4.	Alexander Burnet. <i>Extr.</i>	Archbishop of Glasgow.	Middleton <i>r.</i>
1664. Nov. 4.	Sir John Nisbet. (73.)	Dirleton.	Bedlay <i>d.</i>
1664. Nov. 4.	Sir John Baird.	Newbyth.	Tarbet <i>f.</i>
1665. Nov. 22.	Sir John Lockhart.	Castlehill.	Arnifton <i>r.</i>
1667. July 10.	Alexander Bruce. <i>Extr.</i>	Earl of Kincardine.	Roths <i>pr.</i>
1668. June 25.	James Graham. <i>Extr.</i> (74.)	Marquis of Montrose.	Archbp of Glasgow <i>f.</i>
1668. July 17.	Sir Peter Wedderburn. (75.)	Gosfoord.	Carden <i>d.</i> in April 1668
1669. Nov. 2.	John Seton. <i>Extr.</i>	Earl of Dunfermline.	Montrose <i>d.</i>
1669. Nov. 2.	Mr Charles Maitland. (76.)	Halton. <i>Edinburgh</i>	Kinglassie <i>d.</i>
1671. Jan. 17.	Sir JAMES DALRYMPLE, Pref.	Stair.	Craigmillar <i>r.</i>
1671. Jan. 21.	Sir Thomas Wallace.	Craigie.	Stair <i>pr.</i>
1671. Nov. 23.	Sir Andrew Ramfay.	Abbotshall.	Halkertoun <i>d.</i>
1671. Nov. 23.	Sir Richard Maitland.	Pittrichie.	Renton <i>d.</i>
1672. March 4.	Sir Robert Preston. <i>2^d son of Sir John Preston of Valleyfield Perthshire</i>	Preston.	Whytekirk <i>d.</i>
1673. Jan. 14.	John Murray. <i>Extr.</i>	Earl of Athole.	Dumfermline <i>d.</i>
1674. June 14.	Sir David Balfour.	Forret.	Abbotshall <i>f.</i>
1674. June 14.	Sir Thomas Murray. (77.)	Glendoick.	Lee <i>d.</i>
1674. July 11.	Archibald Campbell. <i>Extr.</i> (78.)	Earl of Argyle.	Tweeddale <i>f.</i>
1674. Nov. 27.	Sir James Foulis.	Reidfurd.	Preston <i>d.</i>
1676. June 11.	Sir David Falconer.	Newton.	Carrington <i>pr.</i>
1677. Nov. 13.	Sir Alexander Seton. (79.)	Pitmedden.	Pittrichie <i>d.</i>
1677. Nov. 13.	Sir Roger Hogg.	Harcarse.	Dirleton <i>r.</i>
1679. Nov. 28.	Sir Andrew Birnie.	Saline.	Gosfoord <i>d.</i>
1680. June 1.	Sir George Gordon.	Haddo.	Craigie <i>d.</i>
1680. Nov. 19.	Alexander Stewart. <i>Extr.</i>	Earl of Moray.	Kincardine <i>d.</i>
1681. Nov. 1.	Sir GEORGE GORDON, Pref. (80.)	Haddo.	Stair <i>f.</i>
1681. Nov. 1.	Sir George Mackenzie.	Tarbet.	Glendoick <i>f.</i>

A CATALOGUE OF

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1681. Nov. 1.	Sir Patrick Ogilvie.	Boyne.	Newbyth <i>f.</i>
1681. Nov. 1.	Mr John Murray.	Drumcairne.	Haddo <i>pr.</i>
1681. Nov. 1.	William Douglas. <i>Extr.</i>	Earl of Queensberry.	Argyle <i>f.</i>
1682. July 5.	Sir DAVID FALCONER, Pref. (81.)	Newton.	Haddo <i>pr.</i>
1682. July 5.	Sir George Nicolson. (82.)	Kemnay.	Newton <i>pr.</i>
1682. Nov. 14.	Mr John Wauchope.	Edmonstone.	Halton <i>f.</i>
1682. Nov. 16.	James Drummond. <i>Extr.</i>	Earl of Perth.	Lauderdale <i>d.</i>
1683. Nov. 1.	Sir Thomas Stewart.	Blair.	Nevoy <i>d.</i>
1683. Nov. 2.	Sir Patrick Lyon. (83.)	Carfe.	Strathurd <i>d.</i>
1684. July 15.	Charles Middleton. <i>Extr.</i>	Earl of Middleton.	Perth <i>pr.</i>
1685. Dec. 28.	Sir GEORGE LOCKHART, Pr. (84.)	Carnwath.	Newton <i>d.</i> 15 Decemr. 1685 aged 46.
1686. March 26.	Patrick Lyon. <i>Extr.</i>	Earl of Strathmore.	Middleton <i>pr.</i>
1686. ———	William Hamilton. <i>Extr.</i> (85.)	Duke of Hamilton.	Queensberry <i>f.</i>
1687. Feb. 11.	Mr Alexander Malcolme.	Lochore.	Pitmedden <i>f.</i>
1688. Feb. 23.	Sir John Dalrymple.	Stair.	Collington <i>d.</i>
1688. June 19.	Mr Alexander Swinton. (86.)	Merfington.	Harcarfe <i>f.</i>
1688. June 23.	Mr Lewis Gordon.	Auchintoul.	Edmonstone <i>f.</i>

R E V O L U T I O N.

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1689. Nov. 1.	Sir JAMES DALRYMPLE, Pref.	Stair.	
—————	Sir John Baird.	Newbyth.	
—————	Mr Alexander Swinton.	Merfington.	
—————	Sir Colin Campbell.	Aberuchill.	
—————	James Murray.	Philiphaugh.	
—————	James Dundas.	Arnifton.	

THE LORDS OF SESSION.

15

<i>Date.</i>	<i>Name.</i>	<i>Title.</i>	<i>Predecessor.</i>
1689. Nov. 1.	Mr John Hamilton.	Halcraig.	
_____	Mr David Home.	Crocerig.	
_____	Sir John Maitland. (87.)	Ravelrig.	
_____	Sir Robert Sinclair.	Stevenson.	
_____	Sir John Lauder.	Fountainhall.	
_____	William Anstruther.	Anstruther.	
_____	Mr Archibald Hope.	Rankeillor.	
_____	Mr James Falconer.	Phesdo.	
_____	Robert Hamilton.	Prefmennan.	
1693. Nov. 23.	William Douglas. <i>Extr.</i>	Duke of Queensberry.	
_____	William Johnston. <i>Extr.</i>	Earl of Annandale.	
1693. Nov. 28.	Patrick Hume. <i>Extr.</i> (88.)	Lord Polwarth.	
1693. Dec. 19.	William Hamilton. <i>Extr.</i>	Duke of Hamilton.	
1693. Dec. 29.	Sir William Hamilton.	Whitelaw. <i>x amble</i>	Stevenson <i>r.</i>
1694. Dec. 14.	Archibald Campbell. <i>Extr.</i>	Earl of Argyle.	D. Hamilton <i>d.</i>
1696. June 9.	Mr James Scougal.	Whitehill.	Prefmennan <i>d.</i>
1696. June 26.	James Douglas. <i>Extr.</i>	Duke of Queensberry.	D. Queensberry <i>d.</i>
1698. June 7.	Mr HEW DALRYMPLE, Pref.	Northberwick.	Stair <i>d.</i>
1699. Feb. 7.	Hugh Campbell. <i>Extr.</i>	Earl of Loudon.	Marchmont <i>pr.</i>
1699. Feb. 17.	Sir John Maxwell.	Pollock.	Newbyth <i>d.</i>
1701. July 25.	Mr Robert Stewart.	Tillicutrie.	Merfington <i>d.</i>
1703. Jan. 12.	Mr Roderick Mackenzie.	Prestonhall.	Whitehill <i>d.</i>
1704. June 20.	John Campbell. <i>Extr.</i>	Duke of Argyle.	D. Argyle <i>d.</i>
1704. Nov. 7.	Sir Alexander Campbell. (89.)	Cesnock.	Aberuchill <i>d.</i>
1705. Jan. 31.	Adam Cockburn.	Ormistoun.	Whitelaw <i>d.</i>
1705. June 28.	Sir Gilbert Elliot.	Minto.	Phesdo <i>d.</i>
1705. July 23.	Sir Alexander Ogilvy.	Forglen.	Halcraig <i>d.</i>

A CATALOGUE OF

Date.	Name.	Title.	Predecessor.
1707. March 18.	Mr James Ereskine.	Grange.	Rankeillor d.
1707. June 7.	Mr John Murray.	Bowhill.	Crocerig d.
1708. June 1.	Archibald Campbell. <i>Extr.</i>	Earl of Ilay.	D. Argyle r.
1709. June 7.	Mr Dougal Stewart.	Blairhall.	Tillicutrie r.
1709. June 10.	Sir Francis Grant.	Cullen.	Philiphaugh d.
1710. June 7.	Sir James Mackenzie.	Roylton.	Prestonhall r.
1710. Nov. 8.	Mr David Ereskine.	Dun.	Lauderdale d.
1711. Nov. 6.	Sir William Calderwood.	Polton.	Anstruther d. ✓
1712. Nov. 7.	John Murray. <i>Extr.</i>	Duke of Athole.	Queensberry d.
1712. Nov. 8.	Mr James Hamilton.	Pencaitland.	Blairhall d.
1714. June 5.	Mr James Elphinston. (90.)	Coupar.	Bowhill d.
1714. Nov. 23.	Sir Andrew Hume.	Kimmerghame.	Cefnock r.
1718. June 6.	Sir Walter Pringle.	Newhall.	Minto d. <i>Sir Gilbert Elliot died 30 April 1718.</i>
1721. March 7.	John Hay. <i>Extr.</i>	Marquis of Tweeddale.	Annandale d.
1724. June 4.	Mr Andrew Fletcher.	Milton.	Fountainhall d. *
1726. June 4.	Sir Gilbert Elliot.	Minto. Justice-Clerk.	Cullen d.
1726. Dec. 29.	Mr Hew Dalrymple.	Drummore.	Arncliffe d.
1727. June 10.	Mr Patrick Campbell.	Monzie.	Forglen died at Edinburgh. 31 March 1727.
1729. July 1.	Mr John Pringle.	Haining.	Pencaitland d.
1730. June 5.	Mr Alexander Frazer.	Strichen. died 15 Feb. 1775	Kimmerghame d.
1732. Nov. 3.	Mr Patrick Grant.	Elchies.	Pollock died 10 July 1732.
1733. Nov. 3.	Mr John Sinclair.	Murkle.	Polton d.
1734. July 11.	Alexander Lesley.	Earl of Leven.	Grange r.
1735. Nov. 7.	Sir James Fergusson.	Kilkerran.	Ormistoun died at Bath. 16 April 1735. aged 79. See the Record. in Gent Mag 219
1737. June 10.	Mr Robert Dundas.	Arncliffe.	Newhall d.
1737. June 21.	Mr DUNCAN FORBES, President.	Culloden.	Northberwick d.
1744. Nov. 23.	Mr Charles Ereskine.	Tinwald.	Roylton d.

1722 Sept. 20 died Sir John Gordon of Fountainhall Bar. one of the Lordes of Session. Hist Reg. IX. Chron p 43.

* 1721 Decemr. - Lord Fountainhall resigned his place as one of the Lordes of Session, and Mr Peter Walsdale was presented by the King to succeed him; but the Advocates and Lordes of Session rejected him. Hist Reg. IX. Chron p 5.

1724 May 2. Mr Patrick Walsdale apptd. one of the Commysrs of Justice in the room of John Brownlie Esq. LXII Chron 25

* Mr. Henry Home of Kames Advocate married Miss Agatha Drummond sister of Mr. Drummond of Blair in Aug. 1741.
 She brought him a son and heir in Oct. 1743.
 Lord Kames died 27 Dec. 1782 in his 87th year.

THE LORDS OF SESSION.

17

Date.	Name.	Title.	Predecessor.
1746. Dec. 19.	Mr Patrick Boyle.	Shewalton.	Balmerino d.
1748. Sept. 10.	Mr ROBERT DUNDAS, President.	Arniston.	Culloden d.
1749. June 3.	Mr James Grahame.	Easdale.	Arniston pr.
1751. Feb. 26.	Mr George Sinclair.	Woodhall.	Easdale d.
1752. Feb. 6.	Mr Henry Home.*	Kaims.	Monzie d.
1754. Feb. 2.	Mr ROBERT CRAIGIE, President.	Glendoick.	Arniston died 26 Aug. 1753.
1754. Feb. 15.	Mr Alexander Boswell.	Auchinleck.	Dun r.
1754. Nov. 14.	Mr William Grant.	Prestongrange.	Elchies d.
1754. Nov. 20.	Mr Robert Pringle.	Edgefield.	Leven d.
1754. Nov. 28.	Mr Thomas Hay.	Huntington.	Haining d.
1755. July 5.	Mr Andrew Macdowal.	Bankton, East Lothian.	Murkle d.
1755. July 24.	Mr Peter Wedderburn.	Chesterhall.	Huntington d.
1755. July 31.	Mr George Carre.	Nisbet.	Drummore d. 18 June 1755
1756. Dec. 18.	Mr George Brown.	Coaltoun.	Chesterhall d.
1759. June 14.	Mr Andrew Pringle.	Alemore.	Kilkerran d.
1760. June 14.	Mr ROBERT DUNDAS, President.	Arniston.	Glendoick d.
1761. March 6.	Mr James Veitch.	Elliock. died 1 st July 1793	Bankton d.
1761 June 18.	Mr James Ereskine.	Barjarg. Alva.	Shewalton d.
1763. June 16.	Mr John Campbell.	Stonefield. died 19 June 1801	Tinwald died 5 April 1763.
1764 June 14.	Mr James Ferguson.	Pitfour.	Edgefield d.
1764. July 3.	Mr Francis Garden. <i>He was admitted a Lord of Justiciary 2 May 1776. in the room of Sir John Pitfour resigned.</i>	Gardenstown.	Woodhall d.
1764 July 4.	Mr Robert Bruce.	Kennet.	Prestongrange d.
1766. March 6.	Sir David Dalrymple. <i>He was admitted a Lord of Justiciary 2 May 1776. in the room of Sir John Pitfour resigned.</i>	Hailes.	Nisbet d.
1766. June 14.	Mr Thomas Miller.	Barskimming. Justice-Clerk.	Minto d.
1767. Feb. 12.	Mr James Burnett.* <i>* he died 26 May 1799. at 85.</i>	Monboddoo.	Milton d.
1775. March 10	Mr Alexander Lockhart.	Covington.	Strichen died 15 Feb. 1775.
1776. Feb. 22. <i>Feb. 8th 1776</i>	Mr David Ross.	Ankerville, died 16 Aug 1805 <i>ages 78.</i>	Alemore d.

A CATALOGUE.

In 1801. The Salaries were £ President £3000 Lord of Session £1200 each. Lord Justice Clerk £1200. Lord of Justiciary £500 each.
See Edin. Mag. Feb. 1802, p. 154.

Date.	Name.	Title.	Predecessor.
1776. Dec. 13.	Mr Robert Macqueen.	Braxfield. Justice-Clerk.	Coalston died 6 Nov. 1776.
1777. July 10.	Mr David Dalrymple.	Westhall.	Pitfour d.
1782. Nov. 14.	Mr David Rae.	Elkroyne.	Auchinleck d.
1782. Dec. 21.	Mr John Swinton.	Swinton.	Covington d.
1783. March 6.	Mr Alexander Murray.	Henderland.	Kaimes d.
1784. July 1.	Hon. Mr Alexander Gordon.	Rockville.	Westhall d.
1786. March 4.	Mr William Nairne.	Dunfinnan.	Kennet d.
1788. Jan. 15.	Sir THOMAS MILLER, President.	Glenlee.	Arniston d. 13 Decem. 1787. See Trans. Roy. Soc. of Edin. v. II.
1788. Jan. 17.	Mr John MacLaurin.	Dreghorn.	Glenlee pr.
1789. Nov. 12.	Mr ILAY CAMPBELL, President.	Succoth.	Glenlee d. 27 Sept. 1789. See Trans. Roy. Soc. of Edin. v. II.
1792. June 7.	Mr Alexander Abercromby.	Abercromby.	Rockville d. 13 March 1792.
1792. Dec. 21.	Mr William Craig.	Craig.	Hailes d. He died 29 Nov. 1792.
1793. Nov. 14.	Mr William Baillie.	Polkemmet.	Ellick d. * he died 14 July 1793, in his 86 th year.
1793. Nov. 15.	Mr David Smyth.	Methven.	Gardenstone died 22 July 1793, in his 73 year.
1795. May 16.	Sir William Miller	Glenlee	Henderland died 16 March 1795.
1796 Feb. 25.	Allan Macdonochie	Meadowbank.	Abercromby died 17 Nov. 1795
1796 July 6.	Robert Cullen	Cullen	Alva died 13 May 1796, in his 73 year.
1797. January 5.	William Honyman	Armadale	Dreghorn died 24 Dec. 1796, aged 62.
1799 May 10.	MacLeod Banatyne	Banatyne	Swinton died 5 January 1799.
1799 June 20.	Glaud Irvine Boswell	Balmuto.	Monboddo died 26 May in his 85 th year.
1799 July 4.	George Ferguson	Hermand.	Braxfield died 30 May in his 78 year.
1802 Feb. 4.	Alex. Fraser Tytler.	Woodhouselee	Stonefield. died 19 June 1801.
1804 Nov. 28.	Charles Hope	Lord Justice Clerk	18 th Nov. 1811, in room of Boyle made 2 nd Justice Clerk.
1805 Novem. 23.	William Robertson	Robertson	Estergrove died 23 Oct. 1804.
1806 March 7.	Charles Hay	Newton	Ankerville died 16 Aug. 1805 aged 78.
1808 Nov. 16.	Robert Blair, President	Avontoun	Methven, died 30 January 1806, aged 61.
1809 April 8.	Archibald Campbell	Succoth	Succoth, resigned.
1811 Feb. 23.	David Boyle	Boyle. Justice Clerk	Dunsinman, resigned. (He died 23 March 1811)
1811 Oct. 22.	Charles Hope, President	Lord President.	Cullen, died 28 Nov. 1810
1811 Sept. 14.	Robert Craigie	Craigie	Avontoun, died 20 May 1811.
1811 Nov. 30.	David Williamson	Balgray.	Polkemmet, resigned.
1811 Nov. 30.	Adam Gillies	Gillies.	Chas. Hope made President.
			Newton, died 18 Oct. 1811.
			He was made Lord of Justiciary in March 1812 on the resignation of Lord Craig.

1754 M^r. William Grant. — Prestongrange.

He was Lord Advocate before his appointment to the bench.

He was author of "The Occasional Writer: Containing an Answer to the Second Manifesto of the Pretenders eldest son; Which bears date at the Palace of Holyroodhouse, the 10th day of October 1745. Containing reflections political, and Historical, upon the last Revolution, And the progress of the present rebellion in Scotland." London 1745. 8^{vo}. pp. 34.

1874

Received of the Treasurer of the
Board of Directors of the
City of New York
the sum of \$100.00
for the year 1874

1811 Feb 23 David Boyle ap. a Lord of Session & of Justiciary in the room
of Rob Cullen deceased. title Lord Boyle

— David Monypenny ap. a Lord General in the room of Boyle
May 20. D. suddenly at his house in George's Square in the room Robert Blair
of the room Lord President. See Memoirs of him in Scots Mag. 403.

— Sept. 14. Robt. Craigie Esq. ap. a Lord of Session in the room of
William Baillie Esq. resigned.

— Oct 22 (Gardner) Chas Hope Lord Justice Clerk ap. Lord President in the
room of Blair

— David Boyle ap. Lord Justice Clerk in room of Hope.

— Oct. 18 D. Chas Hay Lord Newton Scots Mag. 879.

— Nov. 12. Chas Hope took his seat as President. See his speech 15. 949.

— 12 David Boyle took his seat in the Court of Session as President
of the second division. 15. 951.

— 8th he took his seat in the Court of Justiciary as Lord Justice Clerk.

* — 16th Rob Craigie having presented his ap. on the 12th & gone through
the usual trials, this day took his seat in the 2^d division
in the room of Rob Craigie.

appointed Nov 19 — 28 David Williamson presented his ap. in room of Hope promoted

30th & on the 30th took his seat in 1st division. in the place of
Lord Woodhouselee removed to the 2^d division. title Lord Balgray

ap. Nov 26. * — 28 Adam Gillies presented his ap. in room of Lord

— 30th Newton & on the 30th took his seat in the 2^d division
by the title of Lord Gillies.

* Neither of these 3 were then made Lords of Justiciary.

See Scots Mag. 951 a state of the Court of Session &
Justiciary after these changes.

Nov. 18 Lord Woodhouselee took his seat as a Lord of Justiciary in

the room of Boyle made Lord Justice Clerk.
Nov. 9 He was appointed.

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1813. Feb. David Monypenny Esq. Advocate ap. a Lord of Session & a Lord of Justiciary, in room of Alex. Fraser Tytler of Woodhouselee.
^{who died 5 January 1813. succeeded May 1813.}

Feb 25 He took his seat in the 2^d Division by the title of Lord Pitmilny.

Feb. 13. Alex. Macconochie Esq. ap. Solicitor Gen^l for Scotland.

May 1st David Cathcart Esq. Advocate ap. a Lord of Session in room of Sir Wm. Monyma & Bar^t. resigned, & took his seat in the 1st division 12th May by the title of Lord Alloway.

May 1st Lord Succoth ap. a Lord of Justiciary & took his seat 14 May in room of Monyma & resigned.

July 8 Died at Edin^g the Hon. Wm. Craig Lord Craig. See Scots May 551.

Sept^r. David Douglas ^{Shirip deputy of Securing ship} was ap. a Lord of Session in room of Craig.

Nov^r. 12 He took his seat by the title of Lord Reston, in the 1st division.

Yes: Chalmer Esq

1813

1797 May 26 D. at Edin^g Jas. Burnett Lord of Noronbroddo ^{in his 85th year}

May 30 [29?] D. at Edin^g Lord Braafeld V. in his 78 year
in Scots mag.

1801 June 19. Died the Hon. John Campbell of Stenfield one of the Lords of Ses.^h

1806 Jan^y 30 D. David Smyth Lord Methuen aged 61.

1910 Nov^r 28 D. at Edin^g the Hon. Robert Cullen one of the
Lords of Ses.^h & Justiciary. In Scots mag. 960.

Wm. Chalmers

for Hon^{ble}

260

Mr. Schalmers

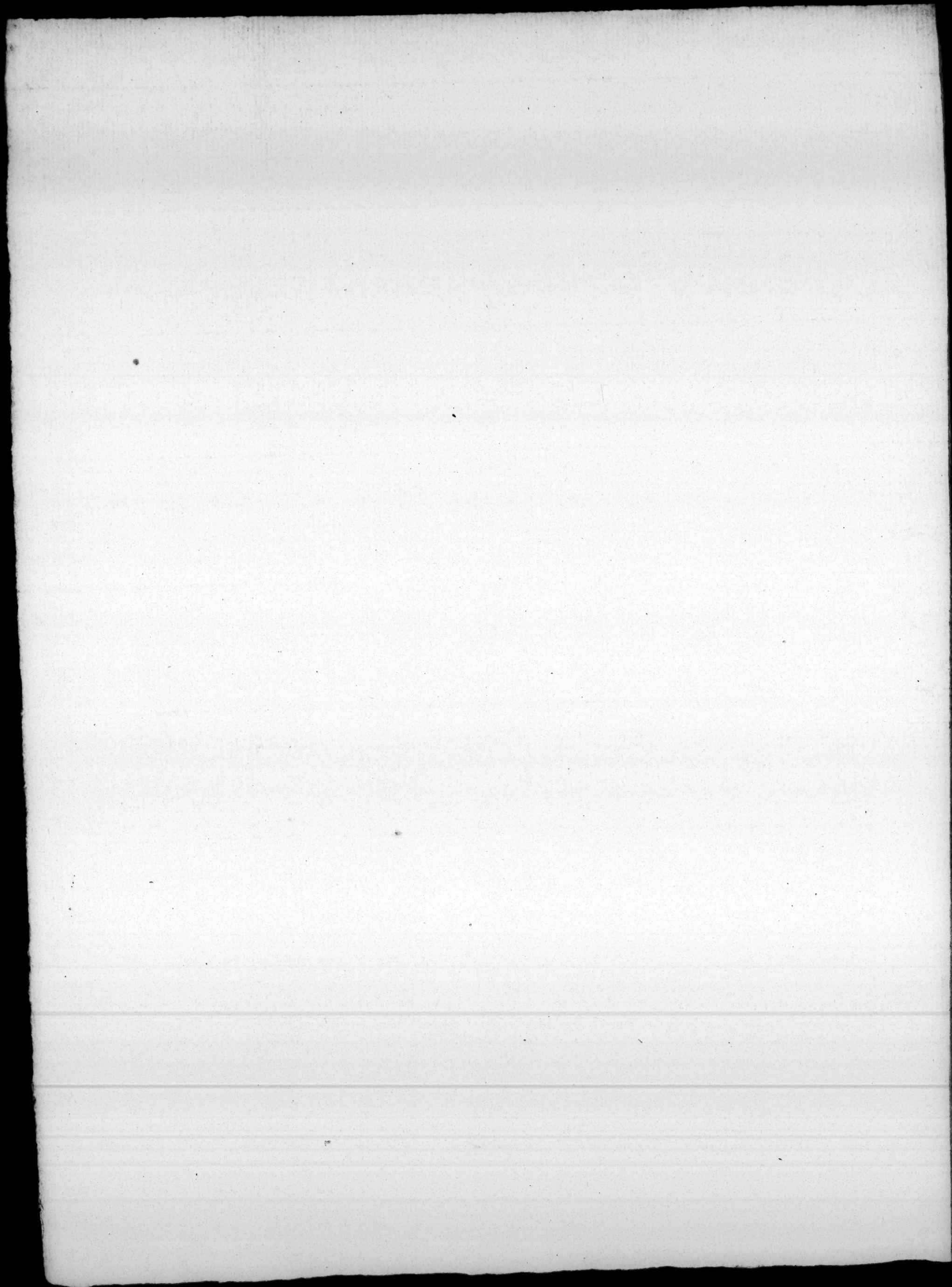
Subia Queen 9. 3

1. Noo 10th 1 16.

to 10 May - 18 -

2 14

1809. April 8 Arch^d Campbell Esq. appointed a Lord of Session in the room of Sir
William Gavin Barr^t. resigned. *Gazette*



NOTES

ON

THE CATALOGUE OF THE LORDS OF SESSION.

Note 1. *Mr Richard Bothwell, Rector of Eskirk.*

March 7. 1539. The King dispenses with his attendance, he being aged; but reserves to him his salary and privileges.

Note 2. *Mr Henry Whyte, Rector of Finevin.*

February 16. 1539. The King dispenses with his attendance, by reason of his age. The dispensation makes mention of his good service performed to the King, and his deceased father.

Note 3. *Sir John Campbell of Lundie.*

There is a judgment concerning him, which shews the impartiality and firmness of the Court: "*March 21. 1537.* This day Sir John Campbell of Lundie produced an warrand, subscribed by the King, excusing his absence, in respect of the King's affairs, and desiring him to be reponed in all matters concerning himself, and them he does for; and therefore he propones an alledgeance, desiring to be reponed against an interlocutor given in the cause of declarator of non-entry of the lands of Dunmuire in Forfar, pursued by Mr James Foulis, donatar, against Katharine Barclay and her son, for whom he compeared. The Lords, by interlocutor, *find, they cannot repone any person, but specially a procurator, in the place that they have negligently tint [lost], without consent of party; and therefore ordains the process to be advised.*"

He survived all his brethren of the first institution.

There is a remarkable letter from Queen Mary to him, inserted in the books of federunt, 25th February 1560.

"TRUSTY FRIEND, After hearty commendations, having understood, how you in all things continuing the good affection and faithful duty ye have, by the space of these sixty years and more, shown at all times to the advancement of our predecessors service, and has now lately so condignly employed yourself in these matters that concern the weal of our affairs, that we are remained so contented and satisfied, that the occasion shall not offer, but we shall
be

NOTES ON THE CATALOGUE OF

‘ be willing to let you know our good will and mind towards you, and would
 ‘ that you believe ye have as mickle force as good will to continue. We have
 ‘ seen a pretendit testament of the Queen-Regent, our mother, whom God af-
 ‘ foilzie, wherein ye are executor, the nullity whereof is evidently known, as
 ‘ we made evidently appear by the letters we dispatch instantly away to our
 ‘ realm for that effect; always we will not let to pay her lawful debts, and re-
 ‘ compence her good and faithful servants. Not the less our intention is, the
 ‘ same be led and conduced under authority, as it ought, praying to write how
 ‘ all things hereto belonging shall be handled. So fare you heartily well. At
 ‘ St Germain, the 8th of October.

“ Your good friend, MARIE.”

Note 4. *Sir James Colvill of Easter Wemyss.*

March 14. 1540. He was forfeited, *after his death*, for having refused to enter himself in ward within the castle of Blackneis, and for having conformed with the Earl of Angus, and his brother George Douglas, traitors. His estate was annexed to the crown. Parl. 7. c. 115. James V.

*X This note is a
mistake - See
Douglas, Baronage.*

X Note 5. *Mr James Foulis of Collington.*

He was clerk-register. In an abridgement of the acts of federunt, it is noted, “ His father is said to have been a skinner in Edinburgh.” To which Lord Pitmedden subjoins, “ This is no reflection; for Secretary Cecil’s father was the same at Stamford in England.”

1540 April 14: Mr Henry Foulis, son of Mr James Foulis of Collington Clerk of Register, was appointed Substitute to his father in the said office, and all others which he holds, as the said Mr James is feeble and unable in his person. Privy Seal Reg. XXI. 84.

Note 6. *Mr Robert Galbraith.*

March 12. 1538. He appears as an advocate for Lord Methven, and the Queen’s Grace, his spouse, (the Queen-dowager, widow of James IV.). He was murdered in 1543 by John Carkeitill and his accomplices. Books of Sederunt, Feb. 13. 1543-4 *and in the prosecution agt. them Re. Parl. 675*

Note 7. *Mr Henry Sinclair, Dean of Glasgow.*

Afterwards Bishop of Ross, and President of the Court of Session. He and Mr John Sinclair (see 19th November 1540), were the younger brothers of Oliver Sinclair of Rosslyn, the favourite of James V. It is uncertain whether Henry or John was the author of the MSS. decisions from June 1540, to 15th February 1548, commonly called *Sinclair’s Practics*.

Note 8. *Mr Henry Balnavis of Hallhill.*

He is highly extolled by Knox; but as Knox is apt to exaggerate the virtues of his friends, as the vices of his enemies, it may be proper to mention a less suspicious testimony: “ He was a godly, learned, wise, and long experimented counsellor.” *Melvil’s Memoirs*, p. 27. edit. 1.

Note

1581. April 26. Mr. John Maitland ^{of} Thirlstone
- 1655 Janry 1. Mr. John Swinton, of Swinton
1663. June 18th. Mr. John Home of Renlaw
- 1688 June 19th. Mr. Alexander Swinton of Mersington
- 1693 Novr 28 Patrick Thune Lord Polwarth *Edw.*
- 1714 Novemb. 23 Sir Andrew Thune of Kimmerghame
- 1752 Feby 6. Mr. Henry Home of Kaims
- 1755 July 31. Mr. George Garre of Visbet
- 1782 Decemb. 21st. Mr. John Swinton Swinton —
- 1677 Novemb. 13 Sir Roger Hogg Harcarse.
- 1568 June 2. John Maitland Commend. of Goldingham.
- 1618 June 5. John Maitland Viscount Lauderdale.

the general no. 1. 1884

John W. Hall
Living only
Frank

of Chester 1622
Notonist. 1689
Mountain hall
in Auding ton

Chesters - a farm ham in Fogo Berwick

Chesters a farm ham in Ancrum Roxburgh

Chesters a small farm in Kyrghorn Fife

Do. Do in Denino Fife

Do. a small farm in Rutherford Lanark.

1616. Thomas Hamilton Pr. L^d Birning

1618 June 5th John Maitland Viscount of Lauderdale

1689 Nov. 1 Mr. Alex. Swinton Mersington.

1661. Sir Robert Murray Lord Justice Clerk

The first president of the Royal Society.

the patron of B^p. Burnet who celebrates him in
the H. V. of his histy.

Baltimore

Balnabodach

Invernettie

Blackmore

Corrybrake

Strathdon Ardau

Do

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Do

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Trans of L.P. Pipes advertised 28th Sept. 1807.

Prior

507. 15. 8

201. 4. —

1112. 13. 5.

325. 9. 4

101. —

2242. 2. 5.

3144. 19. 3.

5387. 1. 8

13,5427/27085

677126/135425

845. 17. 6.

503. 16. 6.

168. 6. 4.

53. 6. 8.

538. 10. 5.

139. 15. —

220. 7. 8.

301. 11. 6.

59. 16. 6.

39. 10. —

57. 5. 1.

115. 13. 4.

118

101. 13. 4

3144. 19. 3

504475

1610 Sir Alex. Hay Newton
 1611. Mr William Eliphant Newton
 1620 Sir James Eliphant Newton
 1641. Sir John Leslie Newton.
 1676 } Sir David Falconer Newton
 1682 } ^{made Pres^t.}
 many places of this name.

1626 Mr Alex. Siton Kilcreuch
 of no such place now.

1627. Mr George Haliburton Fodderrance
 1641. Sir George Haliburton Fodderrance
 of no such place now.

1636. W Patrick Nisbet Eastbank
 no such place now.

~~1641. Sir Thomas Hope Herse
 Herse in Coylton par
 Herse in Lesme hagee par:
 several names of Herse.~~

1661. Sir Robert Murray L. Justice Clerk
 The first Pres^t of the Royal Society

754 Mr Robert Pringle Edeyfield
 no such place now

Abstract of the Meat Rentals of the several
Bishopricks in Scotland in Scots money and
victual of different kinds, Wheat, Barley, Oats, and
Oat meal.

		Scots Money $\frac{1}{2}$ of Sterling			Victual.		
		£	s	d	Bolls.	F.	P.
Deliv ^d . in 1689.	S ^t . Andrews.	4848.	"	"	1737.	3.	2.
	Glasgow	2268	13.	2.	1180.	1.	"
In 1688.	Moray	1645.	13.	4.	"	"	"
	Aberdeen	3436.	8.	4	"	"	"
for 1689, 1690 & 1691.	Dunkeld	1315.	10.	"	"	"	"
In 1685 & 1690	Galloway	5634	15.	"	"	"	"
In 1689	Brechin	941.	13.	4.	"	"	"
In 1690	Caithness.	1169.	11.	5.	187.	3.	3.
	Ross	2721	3.	9.	563.	"	"
In 1748.	Dunblane	547.	9.	1.	"	"	"
	Argyle	g ^r all deductions.					
In 1689.	The Isles	g ^r all do.					
In 1689	Orkney	g ^r do.					
	Edinburgh.	729	11.	"	461.	1.	2.

Perused

1677 Sir Roger Hogg

First of March 1881

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1532 Nicol Crawford Oxengang.

G.H. Oxgang in Kirkintilloch Dunbarton

S. F. Oxgangs in Colington — Edinburgh

~~1554~~ Sir John Bellerden Achinoul.

~~1573~~ David Bartholwick Lockhill.
~~of Glasgow There are Achenaults~~

~~S. F. Lockhill in Inverkeithing — Forfar~~

1584. Sir Lewis Bellerden Achinoul.

~~S. F. Lockhill in London — Primardine~~

— There are Achenault's but no Achinoul.

1584 John Graham — Hallyards.

S. F. — Hallyards in ruins in Auchtertool — Fife

G. H. Hallyards — in Marmor — Peebles

G. S. Hallyard — in Alyth — Perth

~~1587~~ Sir John Seaton — Barmes a great many

1592. Thomas Hamilton — Drumcarne

1681. W. John Murray — Drumcarne
Drumcarne — in Lethnot — Forfar

Drumcarne — in Lethnot — do

Drumcarne — in Methuen — Perth

Drumcarne — in Leth Abernethy — do

1604 — Sir John Wemyss — of Craigtown.

Craigtown — a great many

1608 — Sir Andrew Hamilton — Redhouse

Redhouse in Auchterderran — Fife

Redhouse — in North of Haddington

~~Scottish paper.~~

1593 Alex. Seaton, Presid. — Lord Urquhart

~~1610 Sir Alex. Seaton — Achenault~~

1622 Mr Thomas Henderson - of Chesters

Chesters - in Ancrum - Roxburgh

Chesters - in Rutherglen - Lanark

Chesters - in Hingham - Fife

Chesters - in Denno - do

Chesters - in Fogo - Berwick

1632 Sir John Hope Craighall
~~Craighall~~ - many of this name

1634 Sir John Hay ~~Barrow~~
Barrow

1637 Mr Adam Cuninghame Woodhall
Woodhall - many of this name

Sir John Leslie Newton
Newton - many

1646 Sir Alex^r Belsches of Tofts.

Tofts in Eccles Berwick

Tofts - in Douglas - Lanark

Tofts - in Linton - Peebles

Tofts - in Eaglesham Renfrew

1649 Mr Robert Bruce Broomhall
Broomhall in Mertoun Berwick
do - Dumfermline
do - Jedburgh.

1649 Mr Alex^r Pearson Southhall
1655 Mr Alex^r Pearson Southhall
Southhall Inverchattan Argyre.

1649 Robert Macgill Ford
of several of this name

1661 Sir And^r Harting garden
garden Arley Forfar

1661 James Robertson Bedlay.
Bedlay - Cadzow Lanark
Bedley - Muthil Perth

1669 Cha^r Maitland Halton
G S. Halton St. Ninians
J. Halton Laris.
Halton Formartin

1671 Sir Tho^s Wallace Craigie
Several. - of Argy. appointed

1672 Sir Robert Preston of Preston
1676 } Sir David Falconer Newton
1682 } Several of this name being
probably Preston in Berwick

1683 Sir Tho^s Stewart Blair
many of this name.

1683 Sir Patrick Lyon Carr
Several of this name

1689 Mr David Home Croce rig
Croce rig in Armichael
Croce rigs Carlston

1693 Sir Wm Hamilton Whitlaw
Several of this name

1696. Mr. Jas. Scougal Whitehill
many of
this name

1707. Mr. James Erskine Grange
many of
this name

1707 Mr. John Murray Bowhill
2 in Fife 4 in Selkirk -

1724. Mr. And^r Fletcher Milton
many
of this name

1726 Mr. Hew Dalrymple Drummore
1 N. west Hadnington. several
more of this name

1757 Mr. George Sinclair Woodhall
9 of
this name

1777 Mr. David Dalrymple Westhall.
Westhall in Cyned
Do in Forganberry.
Do in Torryburn.

1672 Sir Rob^t Preston -
of in Berwick

THE LORDS OF SESSION.

3

Note 9. *Mr John Letham, Rector of Killcrist.*

His name appears among those of the eight advocates appointed at the institution of the Court. The others were, Mr Robert Galbraith, Mr Robert Leslie, Mr Henry Spittel, Mr Henry Lauder, Mr Thomas Kincraigie, Mr Thomas Marjoriebanks, Mr William Johnstone.

About this time, 13th March 1538, I observe, that parties are ordained to give in "their *juris* informations."

Note 10. *Mr Henry Lauder of St Germain's,*

on the 25 May 1532 He was chosen one of the

~~He had been King's advocate. On the 13th of January 1538, the King wrote the following letter to the Court. "Rev. Chancellor, President, and remanent Lords of Session, It is our will, and we charge you, that ye, incontinent after the fight hereof, admit our lovit familiar clerk, Mr Henry Lauder, our Advocate, to sit and remain in our council-house, to hear and see delivering of bills, giving of interlocutors, decisions, and determinations of all causes and actions, swa that he may hear and know such things as shall happen to occur that concerns us; exceptand always the actions and causes for the whilks he beis Advocate, and speaks for at the bar allenarly." In consequence of this letter, the Lords took his oath to be secret, and received him into the Inner-house.~~ *In 1557 or 1558 a Mr John Spens of Candie was joined with him as Queens Advocate. Lauder died in 1561.*

Note 11. *Mr John Sinclair, Dean of Restalrig.*

Afterwards Bishop of Brechin, and President of the Court of Session.

Note 12. *Dr John Gladstaines.*

Licentiatuſ in legibus, as he is often termed. 19th March 1554, he is termed *My Lord Doctor*.

Note 13. *Robert Reid, Bishop of Orkney.*

Formerly Abbot of Kinlofs. I am not certain of the time of his admission. His predecessor, the Abbot of Cambuskenneth, does not appear in Court after 9th March 1542-3. See an account of the deeds of munificence and charity performed by Bishop Reid, in *Mackenzie's Lives of Scots Writers*, vol. 3. p. 46. While one of the Ambassadors to France for the marriage of Mary Queen of Scots with the Dauphin, he died at Dieppe, 14th September 1558.

He wrote "a geographical description of the islands of Orkney, and a genealogical and historical account of the family of Sinclair." So says Dr Mackenzie. But it is more probable, that Bishop Reid only certified the authenticity of those treatises: for Nicolson says, in his *Scottish Historical Library*, that they were signed by the bishop and his chapter.

Note

Note 9. *Mr John Letham, Rector of Killcrist.*

His name appears among those of the eight advocates appointed at the institution of the Court. The others were, Mr Robert Galbraith, Mr Robert Leslie, Mr Henry Spittel, Mr Henry Lauder, Mr Thomas Kincaigie, Mr Thomas Marjoriebanks, Mr William Johnstone.

About this time, 13th March 1538, I observe, that parties are ordained to give in "their *juris* informations."

ten Advocates to stand before the newly instituted Court of Session. In 1537 he was made King's Advocate on the removal of the
 Note 10. *Mr Henry Lauder of St Germans, on the 25 May 1532 he was chosen one of the*
~~He had been King's advocate. On the 13th of January 1538, the King wrote the following letter to the Court. "Rex. Chancellor, President, and remanent~~

He had been King's advocate. On the 13th of January 1538, the King wrote the following letter to the Court. "Rex. Chancellor, President, and remanent Lords of Session, It is our will, and we charge you, that ye, incontinent after the sight hereof, admit our lovit familiar clerk, Mr Henry Lauder, our Advocate, to sit and remain in our council-house, to hear and see delivering of bills, giving of interlocutors, decisions, and determinations of all causes and actions, swa that he may hear and know such things as shall happen to occur that concerns us; exceptand always the actions and causes for the whilks he beis Advocate, and speaks for at the bar allenarly." In consequence of this letter, the Lords took his oath to be secret, and received him into the Inner-house. *In 1557 or 1558 a Mr John Spens of Condie was joined with him as Queen's Advocate. Lauder died in 1561.*

Note 11. *Mr John Sinclair, Dean of Restalrig.*

Afterwards Bishop of Brechin, and President of the Court of Session.

Note 12. *Dr John Gladstaines.*

Licentiatatus in legibus, as he is often termed. 19th March 1554, he is termed *My Lord Doctor*.

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Formerly Abbot of Kinlofs. I am not certain of the time of his admission. His predecessor, the Abbot of Cambuskenneth, does not appear in Court after 9th March 1542-3. See an account of the deeds of munificence and charity performed by Bishop Reid, in *Mackenzie's Lives of Scots Writers*, vol. 3. p. 46. While one of the Ambassadors to France for the marriage of Mary Queen of Scots with the Dauphin, he died at Dieppe, 14th September 1558.

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Note

NOTES ON THE CATALOGUE OF

Note 14. *Sir Robert Carnegie of Kinnaird.*

His commission, from James Earl of Arran, Governor, makes mention, "That there are diverse of the college deceased, and others absent, wherethrough they are not a sufficient number to decide causes." The Lords, at his admission, of his own consent, "decerned, that he should have no profit of the said session while [until] there vaiked a place of one of the Lords Temporal, who had profit thereof before."

Note 15. *John Hamilton, Archbishop of St Andrews.*

George Durie and he were admitted supernumeraries. They had been formerly judges; Hamilton while Abbot of Paisley, Durie while Abbot of Dumfermline. I know not upon what occasion they were removed. The tragical fate of Archbishop Hamilton in 1571 is well known. Buchanan, in several satirical epigrams, speaks of the manner of his death with most illiberal and savage exultation.

Note 16. *Sir John Bellenden of Auchinoul.*

1547 June 25 *Mr. John Bellenden, son of Sir John Bellenden of Auchinoul, was appointed Clerk of Justice, during life, which office was held by his father at the time of his deposition. Mr. Bellenden was appointed Justice Clerk one of the Lords of Council in 1550. Ind. 4. 354*

He was ~~Clerk-Register~~. Dr Mackenzie has asserted, in his *Lives of Scots Writers*, vol. 2. p. 595. that this John Bellenden is the same person with the Archdeacon of Moray, who translated the Chronicle of Hector Boece, and was distinguished as a poet in the reign of James V.

Besides the similitude of names, the only reason that I know for this assertion, is in Bellenden's *Probeme of the Cosmographie*; where he thus speaks:

"And fyrst occurrit to my remembering
"How that I wes in service with the King
"Put to his Grace in yeris tendereft
"Clerk of his Comptis."

Dr Mackenzie gravely says, That "Clerk of his Comptis" is Clerk-Register.

Note 17. *Sir Richard Maitland of Lethington.*

January 7. 1561. The Lords ordained the macers to suffer one of the old Laird of Lethington's sons to come within all the bars as the procurators do, and to ish as they do, for awaiting on his father, for the notoriety of his father's infirmities.

May 11. 1584. "The Lords understanding the great age of the Lord Lethington, they exeemed him, in all time coming, from examination of witness, providing he cause his son [Thirlestane], or his goodson the Laird of Whittingham, use the outer-tolbooth for him, in calling of matters, and reporting the interlocutors, as use is."

July 1. 1584. The King's letter upon this occasion is remarkable. It bears, "That Sir Richard Maitland had served his grandfire, goodfire, goodame, mother, and himself, in many public charges, whereof he dutifully and honestly

ly acquitted himself; and having been many years a senator, he has with much sincerity and integrity served therein; and being grown greatly debilitated through age, though nothing in spirit and judgment: whereupon the Lords have granted him immunity and licence to attend when he pleases, having all commodities as if he were present; yet moved in conscience, lest justice should be retarded by his absence, he has willingly demitted his room in our hands in favour of Sir Lewis Ballenden." The salary is reserved to Sir Richard during his life. James IV. the King's grandfire, [or great grandfather], was slain 1513; so that Sir Richard Maitland was employed in public offices for upwards of seventy years.

His advice to Queen Mary deserves to be recorded as the advice of a judicious and faithful counsellor: "That she must see her laws kept, or else she would get no obedience." *Knox.*

He wrote "The history of the family of Winton."—Dr Mackenzie, *Lives of the Scots Writers*, vol 3. gives large extracts from it.

"Decisions of the Court of Session, from 15th December 1550 to 30th July 1565." *MS. Advocates Library.*

"Poems on several subjects," in the Pepysian Library.—Some of them are printed in the *Ever-Green*.

Note 18. *Henry Sinclair, Bishop of Ross, President. Died in France 2^d January 1564-5*

March 21. 1561. He represented to the Court, "That he was, at the will and pleasure of God, troubled with infirmity and sickness, so that he might not goodly await daily on the Session, but danger of his person." He therefore desired the Lords "to have consideration of his long service in the Session, for the space of these twenty-four years by-past." The Lords consented, "That he have leave, privilege, and freedom, to come and be absent frae the said Session as he best pleases, and thinks expedient; and that he bruik all privileges, immunities, and freedoms, enduring his lifetime, in all points, as if he were personally present with the saids Lords, except the common contribution now instantly used, whereof none are participant but conform to their residence."

*See Knox 365, 372
Keith 257. note (6)*

Note 19. *Mr Archibald Dunbar.*

January 7. 1578. The Lords excused his attendance, "because he dare not repair to these parts through deadly feud and enmity betwixt him and his chief the Laird of Cummoche, and their friends, and the firname of Innes, according to his supplication sent to the President."

The excuses of absence made by any of the judges, and accepted by the Court, are generally inserted in the more ancient books of federunt. Some of them are here inserted on account of their singularity.

December 19. 1578. Mr Patrick Vanse of Barnbarrow excused because of the notoriety of the foreness and infirmity of his legs.

January 9. 1578. The Lords excused Whittingham, and Mr Archibald Douglas, parson of Glasgow, because the parson has contracted a foreness in his

halfe, [throat]; wherethrough his brother and he remain together, while God send better fortune to them.

July 4. 1582. They allowed James Meldrum, apparent of Segy, to pass to the King's service of Aires of Perth, and also to his sister's marriage; and declared him free of all penalty for offence in times past; and *dispensed with his absence in all time coming*.

January 7. 1584. The Dean of Moray excused, because his daughter is contracted to be married presently.

May 15. 1589. Mr James Elphinston of Innernochie excused, because lately married.

November 29. 1595. Andrew Wemyss of Myrecarnie excused till the 11th of December, because of his late harvest.

June 28. 1600. Lord Edzell excused during his being in ward.

Note 20. Mr John Wood. *Extr.*

This is probably the person who was secretary to the Earl of Moray, Regent. Melvill terms him "a great ringleader," p. 93.

Note 21. Mr John Lesly.

This is the celebrated Bishop of Ross. See a catalogue of his works in Mackenzie's *Lives of Scots Writers*, vol. 2. in *fn*.

Note 22. Adam Bothwell, Bishop of Orkney, ^{Commandator of Holyroodhouse} died 23 Aug. 1593 in his 67th year. *Muth. Hist. 156; Thaxter of 1104. 1704. p. 52.*

The letter in his favour bears, "Providing always ye find him able and qualified for administration of justice, conform to the acts and statutes of the college of justice." This clause is here inserted for the first time.

Note 23. Mr David Chalmers of Ormond.

He left Scotland, and retired into Spain. He afterwards settled in France, where he composed and published the following books.

1. "Histoire abrégée de tous les Rois de France, Angleterre, et Ecosse, 8vo."
2. "La recherche des singularitez (les) plus remarquables concernant l'estat d'Ecosse, 1579. 8vo."
3. "Discours de la legitime succession des femmes aux possessions de leurs parens, et du gouvernement des princesses aux empires et royaumes, 1579, 8vo."

On the 21st June 1586, Mr John Bartane, Dean of Dunkeld, was, in consequence of the act of pacification, obliged to yield his seat on the bench to Mr David Chalmers, the former possessor.

Note 24. Sir William Maitland of Letlington.

The Queen having desired the Lords to find forth a man among themselves whom they judged most fit for supplying the vacancy of an ordinary Lord, and
to

to make the nomination without affection or favour, they named her secretary Lethington; and she approved of the nomination.

Note 25. *Mr John Wood of Tilliedavy.*

There were some particular circumstances attending his re-admission. May 18. 1566, the Queen informed the Court, that the Commendator of Kilwinning had given his ordinary place to the Sub-chantor of Moray for an extraordinary place, and she ordered them to retain the Commendator in his extraordinary place, notwithstanding his absence in foreign parts; and "to receive no other in his room for any writing given or to be given by us in the contrair." The Lords declared that they would obey this order. Nevertheless, 12th June 1566, a letter from the Queen to the Lords was produced, bearing, "That whereas our lovit Mr John Wood of Tilliedavy was one of the number of our Session, while his putting to the horn, and passing forth of the realm, he was displaced; notwithstanding whereof, for certain causes, we repon him to an extraordinary place; and crave you may receive him without stop." The only extraordinary place which could possibly be considered as vacant, was that formerly possessed by the Sub-chantor of Moray; and in it the Queen had already ordered the Commendator of Kilwinning to be retained. The Court knew not which order to obey; and therefore desired the Chancellor to *try the Queen's mind*, which of the said two persons she would have received into the extraordinary place. *The Queen's mind* was somewhat singular: "That the Commendator should have the place; but if Mr Wood inclined to use it till the Commendator returned to Scotland, then the Court might receive him; otherwise not." Upon these terms Mr Wood accepted the place, and was received.

November 12. 1566. The Commendator having returned to Scotland, was received into his extraordinary place. Upon this Mr Wood presented a letter from the Queen, ordaining him to be received into the place of any extraordinary Lord who may be absent; and to be received to the first vacancy of the place of an ordinary or extraordinary Lord. The Lords obeyed the former part of the order; but refused the latter, leaving Mr Wood to make his application to the Queen in the event of an actual vacancy.

Note 26. *Sir James Balfour, President.*

The reason assigned for this promotion was, That the President was originally of the *ecclesiastical side*; whereas Provand was of the temporal. Not very consistently with this, Provand was declared to be President in the absence of Sir James, "The Lord Provand asked instruments of the votes of the Lords, in presence of the Regent; and that he dissented therefrom for his honour."

His *Practics* were published in folio in 1754. That this voluminous work is interpolated, cannot be denied; for it mentions certain acts of parliament, and the names of certain Peers that did not exist till after the death of Balfour. *Vid. p. 71. 178. &c.*

Mr Walter Goodall prefixed to the *Practics* a life of the compiler, in the style of his vindication of Queen Mary.

Note

NOTES ON THE CATALOGUE OF

Note 27. *John Maitland, Commendator of Coldingham.*

The *modus vacandi* is, "because of the parson of Eglisbam his inability, and diverse offences committed by him, whilk merits his deprivation."

Note 28. *Mark Ker, Commendator of Newbottle.*

In the room of the Bishop of Galloway, whose place "vaiks by his continual absence."

Note 29. *Mr Robert Pont.* ^{he resigned in May 1584, when an act was made against Ministers holding such} ^{he died the 8th May 1808 aged 81.} ^{in fact 183.}
 1571-2 Janry. The assembly at Letha gave him licence to accept the place of one of the Senators of the College of Justice in Calderwood 50, 62

Under the name of *Pontanus*, he wrote, *De unione insule Britanniae*. 8vo. Edin. 1604. He ^{married a daughter of John Maitland} was the father of Timothy Pont, the celebrated chorographer of Scotland. *Nicolson's Scottish Historical Library*, p. 107.

Addit. Note. He was the ^{first} presbyterian minister of the West Kirk, or ^{St Guthbert's}, William Harlaw, a Taylor, having been the first.

Note 30. *Mr Patrick Vans of Barnbarrow.*

In the room of Mr Robert Maitland, Dean of Aberdeen, "whose place was vacant by his inability."

Note 31. *Lord Boyd.*

The circumstances of his readmission were singular. The King wrote a letter to the Court, bearing, that "he had lately, 8th May 1578, ordained the Master of Gray to be received into the extraordinary place of Robert Lord Boyd, though he had neither demitted his place of his own good will, nor yet was he removed through any offence, or occasion ministrated by him, but simply upon narratives made to us in his absence; and now since the said Lord Boyd attends diligently, and we and our estates of Parliament have chosen him to be one of our Privy Council, we require you, and it is our reformed will and meaning, to receive him again to his extraordinary place, removing hence the Master of Gray." The Lords obeyed this order.

Note 32. *Mr John Maitland of Thirlestane.*

Afterwards Vice-Chancellor, Secretary of State, President of the Court of Session, and at last Chancellor. Robert Johnston, *Rer. Brit. Hist. l. 7. p. 204.* draws his character in the following terms: "Is meritis, æquitate in rebus judicandis, solertia ingenii, peritia usuque rerum, ut ad posteritatis memoriam fama celebris efficit. In prima juventute multis discriminibus obnoxius; post calamitatem Ledingtoni fratris, aliquandiu latuit; prope ætate gradatim honores et publica reipublicæ munera adeptus, non sine magna invidia procerum administravit, quam immodicis jocis provocavit. Supervacaneum est singula maledicta referre, per quæ in proceres inimicosque suos contumeliosus fuit. At specimen excelsi animi semper edidit: inter adversas factiones, magnam laudem prudentiæ industriæque tulit; reliquit clarissima monumenta doctrinæ"

doctrinæ suæ, Epigrammata Latino sermone conscripta. Senescente invidia, quam dies mitigavit, fama ejus vario sermone vulgi celebrata; quibusdam natura dicacior visus, et ne inter tempora curarum verbis facietis satis temperans; alias, ubi officio satisfecit, lenis, remissus, urbanus, procul a tristitia aut severitate, jocos temperatos seriis permiscens."

The following epigram on the Master of Gray may serve as a specimen of that satirical humour which created so many enemies to this great and learned man.

Sis Paris an Graius dubito; pulchelle, videris
Esse Paris, forma, marte, et amore, pari.
Fax etiam patriæ, nec fato aut omine differs;
Græca tamen Graium te docet esse fides.

R. Johnston. *Rer. Brit. Hist.* l. 4. p. 422.

He knew, however, to pay his court by his poetry; for he made a Latin translation of the epitaph on Sir Philip Sidney, by King James, *Deliciæ Poetarum Scotorum*, vol. 2. p. 138, and of "his Majesty's own sonnet," *King James's Works*, p. 89.

Note 33. Mr David Macgill.

June 26. 1582. He was admitted King's Advocate, in the place of Mr Robert Creighton, deceased. His commission bears, "That he received L. 40 Scots of feal and duty, payable at two terms in the year." The Attorney-General of England has a retaining fee from the King, which is called L. 85 Sterling, but, after deductions, is L. 81 : 6 : 8.

Note 34. Mr John Graham of Hallyards.

1584 Mr Robert Pont, a Presbyterian minister, was incapacitated by the act 133. parl. 1582. passed on the 22d May; so that his place was instantly supplied. On this same 23d May Captain James Stewart, Earl of Arran, appears for the first time as Chancellor. Mr John Graham had attached himself to this person. He officiated as Justice-Depute at the unpopular and odious trial of William Earl of Gowry.

See Spotswood p. 193. the cause of Pont's removal.

"It was thought the convention of estates, in 1590, would have proceeded to depose some of the Lords of Session, and to bring about a reformation therein. Some accusations and challenges passed in the mean time betwixt Mr John Graham of Hallyards, one of the Lords of Session, and Mr David Macgill the advocate, each of them accusing the other of leading of false process, of bribery, selling of actions, and other things." *Moise's Memoirs*, p. 172.

See Note 38. more of Mr John Graham & his death.

Note 35. Sir Lewis Bellenden of Auchinoul.

November 27. 1578: He was admitted to be present at the Lords advising of causes, and voting, in virtue of the King's letter; which bears, That the
C. Clerk

Clerk of Justiciary was ever of the number of Senators; "which place the said Sir Lewis cannot exerce, *by reason of his nonage*." This expression probably means, that he was under twenty-five.

Note 36. *Mr Mark Ker, Commendator of Newbottle.*

His commission bears, "to remain therein during our will and pleasure."

Note 37. *Mr Andrew Wemyss of Myrecairnie.*

August 14. 1591. The King named Mr Thomas Ballantine to the place of an ordinary Lord, in the place of Lord Newtyle, deceased.—*November 12. 1591.* This nomination was delivered back to the King, present in Court, by one of the Clerks of Session.—*November 17. 1591.* Andrew Wemyss of Myrecairnie produced a nomination from the King to the same place: "because there is no person truly and really provided thereto with sick due form and solemnity as accords."

Note 38. *Sir John Cockburne of Ormiston, in the room of Mr John Graham.*

R. Johnston, *Rer. Brit. Hist. l. 6. p. 174.* gives the following curious relation of the cause and manner of ~~his death~~ *Mr John Graham's death. 14 February 1592-3.*

"Sandelandius, Calderii Comarchus, mortuo patre in puerili ætate, pupilus relictus est, sub tutela Jacobi Sandelandii Equitis. Ex interiore principis familiaritate defunctus, indulgens uxori, villam et fructuosum agrum, non dotis nomine, sed hæreditario jure attribuit. Per idem tempus, Johannes Gramus, judex rerum criminalium, lucri cupiditate inductus, viduæ nuptias pacificatur; et mulier dedita viro, ut amorem et obsequium probaret, agrum quem a priore marito acceperat, cum fructibus, arbitrio novi conjugis permisit. Is, spe gratiæ et potentiæ, de prædiis rusticis pupillo litem intendit. Jacobus Sandelandius, infensus ea lite, cedere jussit; et tutelam ita gessit, ut fratris filio, cui tutor erat, propugnatorem se pertinacissime præstaret. Gramus nihilominus obstinatus, jus prosequi immoderatus ausus est; et pupillum, calidis artibus, ac juris specie, opimis prædiis spoliavit. Sandelandius, nepotis, veluti fraude circumventi, recenti injuria provocatus, et in vindictam pronus, Gramum trucidare constituit, in omnem patrandæ cædis occasionem intentus. Rex rumore certior factus, judicum principi exitium imminere, impedire rem non destitit; et edicto ultra Bodotriam summovit, præsentem malo unicum remedium ratus. Gramus paruit edicto, et comitatu non inermi propinquorum et clientum urbe excessit, ut paratus esset, si quid adversarii contra molirentur. Unde Sandelandius, ira et impetu, pessimis consultoribus, abreptus, multiplici comparata clientela, intolerandam Grami injuriam amicis exposuit: qui facile in cædem ejus consenserunt, et rei aggrediendæ signum expectarunt. Cum hac manu sævum atque atrox facinus aggredi est ausus, in suburbio urbis regiæ. Gramus clientes plurimi deseruerunt; pauci protexerunt: ipse obstinatus ad resistendum, magna cum invidia jugulatur.—Actores sceleris non solum pœnæ exempti, sed aula et conspectu Regis vix abstinerunt. Ingentem ea cædes fremitum in tota Scotia fecit."

From

The Portrait in Bishop Horbes's
Funerals is so very scarce that a
copy of it, without the book, sold
at Sir Wm Pinesgraves Sale for
14 guineas says W^r Constatle.



From this narrative it would appear, that the King of Scotland was obliged to banish a Judge of the Court of Session, in order to protect him from assassination.

Spottiswoode, however, p. 391. relates this event in a different manner.

“ Some two days before his [Fintry's] execution, Mr John Graham, one of the Senators of the College of Justice, being charged (because of the business he made in behalf of Fintry) to depart forth of the town, and keep ward in Strathern, was killed as he was going to the tide at Leith. There had been a question long depending betwixt Sir James Sandilands and him for the lands of Hallyards, and by reason thereof a professed enmity among them; and it falling out, at the same time when he was going to Leith, that the Duke of Lennox, accompanied with Sir James, and divers others, was making towards their sport in the sands, Mr John Graham apprehending that they did pursue him, made a turn upon that ascent which is without the gate of the town, as if he would stand there to his defence; which Sir James taking for a sort of provocation, he made towards him, and entering in conflict, Sir Alexander Stewart, a grave gentleman, servant to the Duke of Lennox, was killed by the shot of a pistol: presently after Mr John Graham by another shot was stricken in the breast, and fell to the ground. They who did give him the convoy, seeing him fall, did all fly; and the companies separating, he was led to a poor cottage near unto the place, and, as he lay in bed, killed by the said Sir Alexander his page, in revenge of his master's death.

“ A man he was, but meanly born, and descended of that unhappy race which had an hand in the murder of King James I. A long time he served as deputy to the Earl of Argyle in the justice-courts, and after his death waited on Captain James Stewart, by whose means he was preferred to be one of the Senators of the College of Justice, in the place of Mr Robert Pont; of a quick wit, and a good and ready utterance; but was excessively proud, covetous, and dishonest in his dealings, as appeared in suborning of the notary of whom we spake, and the fraud which he used to Mr Andrew Polwart, Subdean of Glasgow, a man of great learning, who being forced to fly into England, in the year 1584, with the other ministers that took their refuge thither, had intrusted him with his living and rent, upon assurance to be repossessed when the time should change; yet being returned, and having obtained his peace, could never bring him to fulfil his promise; whereupon, after a long plea at law, not finding an outgate, the honest man conceived a displeasure, and died.”

Note 39. *Mr John Skene of Curriebill.*

Melvil says, “ I told his Majesty, that I would chuse to take with me, [on an embassy to Denmark], for a lawyer, Mr John Skene. His Majesty said, He judged there were many better lawyers. I said, He was best acquainted with the German customs, and could make them long harangues in Latin; that he was a good true stout man, like a Dutchman.” p. 178.

He

* 16 February 1592/3

He is known for his editions of the *Regiam Majestatem*, and *Old Laws of Scotland*; as also for his treatise *De verborum significatione*. It were to be wished that his knowledge of Scottish antiquities had been equal to his industry.

Note 40. *Mr John Preston of Fentonbarns.*

The King named Mr Peter Rollock, Bishop of Dunkeld, Mr David Macgill of Cranston-Riddel, and Mr John Preston of Fentoun, requiring the Lords to chuse the fittest of the three to be an ordinary Lord of Session. The Lords were solemnly sworn to chuse according to their knowledge and conscience. In consequence of this, *conjectis in pileum nominibus*, [by ballot], the Lords elected Mr John Preston. The abridger notes, "That he was a baker's son in Edinburgh, was made a Commissary 14th May 1580, and afterwards came to be President of the Court."

Note 41. *Mr David Macgill of Cranston-Riddel.*

Robert Johnston, *Rer. Brit. Hist.* l. 7. p. 231. mentions a circumstance concerning the Court of Session at this period, which is exceedingly singular. "Hac tempestate, totus ordo judicum paucorum improbitate et audacia infamatus: inveteravit enim opinio, et omnium sermone percrebuit, *pecuniosum hominem neminem potuisse causa cadere*. Alexander Regius [King] Advocatus, acer et vehemens, illam labem et ignominiam ordinis callide observans, a clientibus suis pecuniam accepit, quam corruptis judicibus, pro suffragiis, divideret. Hæc et similia in causa fuere, ut totus ordo gravi diuturnaque infamia laboraret. Neque enim aliam ob causam, plebs ministrorum tribunitiam potestatem tanto studio prosecuta est, nisi ut in concionibus audiret judicum officium male ac flagitiose exerceri, judicia turpia ac flagitiosa fieri."

Note 42. *Sir James Wemyss of Bogie.*

From 24th February 1604 to 19th June 1605, there is a blank in the register. Many leaves have been lost out of it. During that interval it would seem that *Bogie*, *Wrightslands* and *Craigtoun*, were admitted in the room of *Myrecairn*, *Auldbar*, and some third person, whom I cannot discover.

Note 43. *Mr Thomas Hamilton of Prestonfield.*

The manner of his trial is particular. The Chancellor, in presence of the Lords, appointed him next day to open and explain the l. 2, *C. d. Testibus*, and to discourse upon it in Latin, and then to resume causes, and give his opinion. Then follows, 29th May 1607, "The said Mr Thomas compeared; and after reading l. 2. and gloss thereof, having expounded it in Latin be the space of a quarter of an hour;" and having also resumed some causes, and given his opinion, he was admitted. He took an oath, That, neither directly nor indirectly, he had procured the place by gold or silver.

Note 44.

Note 44. *Sir Alexander Drummond of Medhope.*

The King's letter requires the Lords to take trial of his qualifications, and those of Mr Peter Rollock of Piltoun, and Mr Thomas Henderson, Advocate, and to admit the best qualified. Sir Alexander himself is admitted. Upon other occasions also it appears, that the presenter of the letter was found the best qualified.

Note 45. *Peter Rollock of Piltoun.*

He had been formerly removed ^{the 20 Decemr 1600 by Calderwood 615} when Bishop of Dunkeld, that the number of extraordinary Lords might be reduced to four. He was now readmitted upon the King's letter, with a special proviso, That this should not be a precedent for establishing a fifth extraordinary Lord.

Note 46. *Sir Gideon Murray of Elibank.*

The Lords dispensed with any trial of his qualifications, "because of the certain knowledge they had of them,"

Note 47. *Thomas Hamilton, President, Lord Binning.*

In 1587 he was admitted an advocate; 1592 he was made an ordinary Lord of Session; 1595 King's Advocate, and one of the Octavians; 1612 Lord Register, Secretary of State, and King's Advocate for life; 1613 Lord Binning and Byres; 1616 President of the Court of Session; 1619 Earl of Melrofs; 1627 Earl of Haddington, and Lord Privy Seal. He died in 1637.

"In foro summum auctoritatis atque eloquentiæ gradum obtinuit; et multa fructuosa prædia, sine injuria cujusquam, possedit." *R. Johnston, Rer. Brit. Hist. l. 8. p. 244.* He made great part of his fortune out of the mines in his estate.

Dr Arthur Johnston draws his character thus;

"Plus nulli Fortuna dedit de gente Britanna,
"Fortunam nemo tam reverenter habet."

He drew up Decisions of the Court of Session, from 1592 to July 1624, *MS. Advocates Library.* His manuscript collection of charters, &c. are well known.

Note 48. *Sir George Ereskine of Innerteil.*

He drew up some decisions of the Court of Session, while he sat on the bench.

Note 49. *Sir Alexander Gibson of Durie.*

Of him Mr Robert Burnet of Crimond thus speaks, in his preface to Craig, *De Feudis.* "Oculatus fui testis sæpe, per spatium 24 annorum, cum eum ali-

D

quando

‘ quando honoris causa, aliquando ob negotia, interpellarem, nunquam eum a
 ‘ me deprehensum nisi occupatissimum in jure Civili, et doctoribus juris evol-
 ‘ vendis; jus enimoticum in scrinio pectoris gestabat, et ut conjicio in jure
 ‘ Civili cum jure Scotico maritando.”

He drew up “Decisions of the Court of Session from 11th July 1621 to 16th
 ‘ July 1642.” They were published by his grandson Sir Alexander Gibson,
 with an approbation of the Court. *Acts of Sederunt*, 6th July 1688.

Note 50. *Sir Robert Spottiswoode of New-Abbey.*

Second son of Dr John Spottiswoode, Archbishop of St Andrew’s, and Chancellor of Scotland. On the 1st of November 1633 he was chosen President of the Court of Session, upon the King’s recommendation: he continued to exercise that office till the end of the year 1637; when, being obnoxious to the leaders of the popular party, and declining to take the covenant, he abstained from attending the Court. In 1641 he was declared one of the *incendiaries*, or evil counsellors. The Parliament of Scotland, in that year, addressed the King, that Sir Robert Spottiswoode might be removed from about his person. In 1645 he was made Secretary of State, in the room of the Earl of Lanark. He attended the Marquis of Montrose in his unfortunate march towards the Tweed after the battle of Kilsyth. He was taken prisoner at the rout near Philiphaugh, 15th August 1645. A statute had been made in June 1644, which declared the taking up arms against the kingdom and estates of Scotland to be treason; on this statute Sir Robert was tried, and found guilty, by a committee of Parliament, 16th January 1646. The Parliament ordered him to be beheaded. The sentence was executed at the market-cross of St Andrews, 20th January 1646.

The Earl of Cassilis, President of the Court which tried him, dissented from the judgment; although, in virtue of his office, he signed it. This circumstance is mentioned by Sir John Nisbet of Dirleton, who was of counsel for Sir Robert, in an elegy on his death.

“ Testatus scripsisse manu non mente, placebat
 “ Quodque aliis frustra displicuisse sibi.”

The particulars of his trial and execution are to be found in *Memoirs of his life*, prefixed to his *Practicks of the Law of Scotland*, published in folio, 1706, by his grandson Mr John Spottiswoode, advocate.

Note 51. *Sir John Hamilton of Magdalens.*

The records of the Court of Session, from 17th May 1608 to 2d February 1626, are lost; so that it is probable that this catalogue is not altogether complete during that period. Sir John Hay was on 27th July 1622 admitted Clerk-Register. It is probable that he was a Lord of Session long before; but the date of his admission is not known.

Note

1623 Novemb: 28 In the Court of Justiciary Sir Arch: Napier of Merchiston presented a Commission to him to be Clerk of his majesties Justiciary General during his life, with power to name deputies for whom he shall be answerable; And also to be Master of Ceremonies in the Creation of Peers, and all other Solemn Assemblies where honourable Ceremonies are used - Upon the resignation of Sir John Cockburn of Ormiston last Justice Clerk & Master of Ceremonies. Records of Justiciary - *Notes Extracts*.

THE LORDS OF SESSION.

15

Note 52. Sir Archibald Napier of Merchistoun.

He was the son of the famous Merchistoun.

Note 53. Sir George Auchinleck of Balmano.

He drew up some Decisions of the Court of Session while he sat on the bench.

Note 54. Sir Archibald Acheson of Glencairnie.

He had been Puisne Judge in Ireland. He was knighted for having suggested to Charles I. the measure of issuing out a commission under the great seal for the surrender of tithes, *Heylin's life of Archbishop Laud*, p. 224. 225. During a few years he was Secretary of State for Scotland.

Note 55. Lord Ereskine.

The reader will observe, that at this time there was a total change of the extraordinary Lords. The reason assigned for this by the King, in making the new nomination, is singular. He says, That at the time of his appointing the extraordinary Lords now displaced, "we declared our resolution to change them 'after some reasonable space; though we do acknowledge that they have very faithfully behaved themselves in that which did concern their charge; for which we give them very hearty thanks; yet to continue our first resolution and privileges,' &c.

Note 56. Sir John Scot of Scotstarvet.

Better known for his ill-informed satire, *The staggering state of the Scots statesmen*, 12mo, 1754, than for his patriotic labours in promoting the publication of the *Theatrum Scotiae*. Concerning this, see many curious particulars, though affectedly expressed, in the preface to the *Theatrum Scotiae* by the younger Bleau. He was also at the expence of printing the *Deliciae Poetarum Scotorum*. 2 vols, 24mo. 1638. There is a MS. volume of letters to him, from learned men, in the Advocates Library.

Note 57. Lord Lindsay.

Afterwards Earl of Crawford.

he was suspended for malignancy in 1649.

Note 58. Sir James Hope of Hopetoun.

In consequence of an act of Parliament ^{23 January} 1649, the following nine judges were removed for what was then termed malignancy; Innerpeffer, Orbieston, Carmichael, Balcomie, Halkertoun, Durie, Lee, Newton, Earl of Crawford. In their room the Parliament

See Guthrie's Memoirs 253.

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Parliament appointed *Hopetoun, Broomhall*, (designated in the rescinded acts *Gel-lats*), *Southhall, Ford, Clerkingtoun, Libbertoun, Brodie, Hartree, Cefnock*, Earl of *Cassilis*. It does not appear that *Cefnock* ever took his seat.

He was one of the English judges in the Court of Session which sat at Edin. the 18 May 1652. Samont 51
He died at Inverness in October 1658, and his corpse was brought to Edin. La. Sel. 136

Note 59. *George Smyth, Esq;*

The salary of an English judge was L. 600 Sterling; of a Scots judge L. 300; the three Clerks of Session had L. 200 each; the Clerk of the Bills L. 200; Director of the Chancery L. 100; Clerk of the General Register of Hornings, L. 100; Clerk of the General Register of Seifins L. 100; Receiver of the Fees L. 140; Doorkeeper L. 40. *Thurloe's State papers, vol. 4. p. 528.*

The English judges, on the 9th November 1654, wrote a letter to Judge Smyth, one of their number, then at London, praying that he would deal with the Protector, "That some of the Scottish nation may be added to their number."

There is a tradition, that equal justice was administered by the English Judges, during the usurpation; and for this an invidious reason is assigned, That they were *kinless*, and unconnected with the people of Scotland. The following letter from General Monck to Secretary Thurloe, *Thurloe's State papers, vol. 6. p. 65.* may serve to shew, that they were sometimes thought to be influenced by other considerations than those of duty.

HONOURED SIR,

Being earnestly desired by the Laird of Buchanan (who is one that hath been very faithful and serviceable to us) to write to you in his behalf, I make bold to acquaint you, that his Highness, about two years since, was pleased to grant an order to the Judges in favour of Lieutenant Osborne, between whom and the said Buchanan there was a suit depending, whereupon a decret was passed against the said Buchanan; which truly I am persuaded, if his Highness had been rightly informed, he would not have done: for I am persuaded, if it had not been for his Highness's order, the business would have gone on Buchanan's side. And all that he now desires is, that his Highness would be pleased to grant an order to leave it to the Judges to proceed upon the hearing of the whole, according to justice, and the laws and practice of this nation; for the procuring of an order to which effect, I intreat you to stand the said Buchanan's friend to his Highness, he being both an honest and discreet gentleman, and one who hath carried himself so faithfully to the present government, that I know few deserve better, notwithstanding some hard dealing he has had from us.

I remain, &c.

Dalkeith, 17th February 1655-6.

Note 60. *Mr John Swinton of Swinton.*

He was appointed one of the Council; but continued for some time after to sit as Judge. This occasioned Lord Broghill, President of the Council in Scotland;

land, to write to Secretary Thurloe in the following terms: "Some of the
 ' Judges stick not to say, that acting in two capacities does not only overawe
 ' some that sit on the judicial bench, but that thereby the number of Scotch
 ' Judges does exceed the number of the English; whereby the words, *according to*
 ' *equity and good conscience*, which are indeed the only words in their commissions
 ' that give a rise to bring the laws of Scotland to the laws of England, will be
 ' rendered useless; for all those who are Scots are much averse to that expression,
 ' and plead hard to keep the Judges to the known statute-law, vol. 4. p. 524."
 This is a very remarkable passage. The reader will observe, that, under the
 pretext of judging *according to equity and good conscience*, there was an intention
 of abrogating the law of Scotland, and introducing that of England in its
 place.

Note 61. *Mr Andrew Ker.*

Lord Broghill thus writes to Secretary Thurloe: "Since Colonel Lockhart
 ' and Mr Swinton's being made of the Council here, the Court of Justice have
 ' had but five Judges to carry on that duty. By their commission four is 'a
 ' quorum; and by the rules of the Court, it consists of two houses, the one
 ' termed the *outward*, and the other the *inward-house*. This cannot have less
 ' than four; *that* never had more, neither can it have less than one." After
 having described the manner of proceeding in the Outer-house, he adds, "The
 ' Judge of which house ought to be an able man, both of parts and body, the
 ' work requiring good intellectuals and experience, as well as corporal strength.
 ' For want of such a one, all causes of late, which properly are to be deter-
 ' mined there, have been brought into the Inward-house, whereby four were
 ' employed in what one might have done; and so the people had not that ex-
 ' peditious justice which was requisite and usual; and thereby, as the Judges
 ' inform me, there is at the present near 50000 processes depending†. This
 ' great stop of justice made the Council esteem it absolute duty to remove the
 ' cause thereof, by restoring the Outward-house, and placing a fit person to dis-
 ' charge the burden thereof; which they have done this day, not being able any
 ' longer to delay it, the Judges themselves in effect declaring the great necessity
 ' of it. The man they have pitched upon is Sir James Lermouth of Balco-
 ' mie. And because it was found, few fit persons of the old Lords of the Sessions
 ' were willing to act, and that such as were had had some private meeting
 ' among themselves, when they resolved, none would accept a Judge's place, un-
 ' less it were for life, or good behaviour, whereby they would, as much as in
 ' them lay, have set the dice on the Council; it inclined the Council the more,
 ' not only to chuse Sir James Lermouth, as having been free from that engage-
 ' ment, and willing and able to act, but also (to let all the other Judges see we
 ' were not, nor needed not, be bound up to their order) to elect, for another
 ' Judge, one Mr Andrew Ker, an advocate, who the General and some of the
 E Judges

† This is incredible; probably there is a mistake in the printing, and that 50000 is put for 5000.

‘ Judges assured the Council was an able godly man, and had by divers actions
 ‘ evinced his sincere affection to the government. To which, as a further rea-
 ‘ son for their so doing, may be added, that the duty of the Outward-house
 ‘ would have deterred any one man from accepting it, had he not seen an able
 ‘ associate, who might from time to time have eased him therein: for though
 ‘ there is one Scotchman now upon the bench, viz. the Lord Southhall, yet he
 ‘ is wholly unable for that work, and would not undertake it. Besides, we
 ‘ understand there are some things against him, which possibly will soon invite
 ‘ them to lay him aside. I did acquaint the Council with a part of my Lord
 ‘ Lambert’s letter to me, relating to the Judges; which imported, that we
 ‘ might speedily expect to hear further therein; and that in the mean time, if
 ‘ possibly, we would delay electing any. But the necessity demonstrated by the
 ‘ Judges, and visible to the Council, joined with the impossibility of having any
 ‘ from England able to do the work of the Outward-house, made them proceed
 ‘ to that election at the present; which will not hinder the receiving of any
 ‘ from England, if sent; and indeed at least one eminent man from thence will
 ‘ be necessary; which, I beseech you, Sir, be pleased to mind.”

Note 62. *Mr James Dalrymple of Stair.*

Recommended by General Monck. Letter to Oliver Cromwell, *Edinburgh*,
 23^d June 1657, *Thurloe’s State-papers*, vol. 6. p. 367. “I make bold to men-
 ‘ tion to your Highness, one Mr James Dalrymple, as a person fit to be a Judge,
 ‘ being a very honest man, a good lawyer, and one of considerable estate. There
 ‘ is scarce any Scotsman, or Englishman who hath been much in Scotland, but
 ‘ know him; of whom your Highness may inquire further concerning him.”

The manner of his appointment is singular, as appears from a letter of
 Monck’s to Cromwell, June 26. 1657. *Thurloe*, vol. 6. p. 372. The letter
 being curious on many accounts, is here inserted. “I am appointed, by your
 ‘ Highness’s Council here, humbly to acquaint your Highness, that some few
 ‘ weeks since, the Lord Southhall, who was one of your Highness’s Commis-
 ‘ sioners for administration of justice to the people in Scotland, having departed
 ‘ this life, and it having pleased God now to take away from us the Lord Bal-
 ‘ comie, another of the said Commissioners, who died this forenoon in the House
 ‘ of the Session of the said Commissioners, whereby the number of the said Com-
 ‘ missioners is become so few, that here are but four of them now upon the
 ‘ place, which is the least number that can, by their commission, act in the
 ‘ Inner-house; and the constitution of the judicature being such, that in an
 ‘ Outer-house, which is still in use for judging of matters, not of so great mo-
 ‘ ment or intricacy, as that either party concerned would insist upon having the
 ‘ judgment of the Judges of the Inner-house in them, one of the Judges would
 ‘ determine and adjudge in many civil causes, which did spare much pains to
 ‘ the whole judicature in deciding of causes of lesser importance, and without
 ‘ which, proceedings would be too slow. But this death of the Lord Balcomie
 ‘ hindering now the keeping of the Inner and Outer-house, which is that whole
 ‘ judicature together, the quorum now left here being barely competent for the
 Inner-

‘ Inner-house ; and it being the time of the Sessions, which continues but for
 ‘ the months of June and July, the next Sessions not beginning till the 1st of
 ‘ November, and great numbers of people being attending the dispatch of their
 ‘ causes there depending, your Highness’s Council here found themselves in a
 ‘ strait, because they apprehended, that, as it is necessary, for the carrying on of
 ‘ justice to the people, another Judge should be appointed, who is very able in
 ‘ the laws and practice of proceedings here, to keep the Outter-house, wherein
 ‘ the Lord Balcomie did frequently sit, having been one of the ablest for it ; so
 ‘ they would be very unwilling to place one in such a trust, without your High-
 ‘ ness’s exprefs orders and appointment, if the administration of justice, which
 ‘ they are, by their instructions from your Highness, appointed to see duly ad-
 ‘ ministered, could be otherwise effectually proceeded in without intermission.

“ Yet, believing it to be your Highness’s intention that they should supply
 ‘ such a present exigency, in a time so pressing, they bethought, and have pitch-
 ‘ ed upon a person of eminent abilities, namely, Mr James Dalrymple, an ad-
 ‘ vocate, of whose qualifications and good affections they have ample satisfaction,
 ‘ to be one of the said Commissioners, for administration of justice, at the same
 ‘ salary which the Lord Balcomie had, being L. 300 *per annum*, according to
 ‘ the establishment of Scots Judges ; of which choice they humbly crave leave
 ‘ to desire your Highness’s approbation.”

Note 63. *Sir Archibald Johnstone of Wariston.*

He was appointed during pleasure. This nomination could not be agreeable
 to Lord Broghill, President of the Council in Scotland ; for he thus writes to
 Cromwell : “ Part of the remonstrators are led by the Laird of Wariston, and
 ‘ Mr James Guthrie, who are bitterly averse to your Highness’s authority, if
 ‘ not to any. Indeed, by as much as I can recollect, after several discourses
 ‘ and meetings with the Lord Wariston, and Mr Guthrie, those of their judge-
 ‘ ment are, as I may call them, *Fifth-monarchy Presbyterians* ; and, according to
 ‘ their principle, setting aside some little shew of Presbyterian discipline, which
 ‘ yet they allow none to practise over them, but would practise it over all others,
 ‘ they are nearer a closure with the late Allhallows men, [Fifth-monarchy men,
 ‘ who had raised disturbances], than any others.” *Thurloe’s State-papers*, vol. 4.
 p. 557.

Mr James Sharp, afterwards Archbishop of St Andrews, gives the following
 account of a conversation he had with Jones, one of the regicides, concerning
 Wariston : “ He came to speak of Wariston. This day, said he, we have had
 ‘ an hour’s speech of Wariston ; we have not much to do in our house, [the
 ‘ Upper-house] ; and it spends our time to hear him : he would be a fit mem-
 ‘ ber of the Lower-house ; for he would be always speaking. I told him, I had
 ‘ heard of Wariston’s late declarations against Valentines, and a stage-play, lately
 ‘ acted by Sir William Davenant : he laughingly said, We have some such sto-
 ‘ ries now and then.

“ Then speaking of Wariston again, he said, That at the appointment of the
 ‘ last fast, he had a speech of an hour long, which he read off his note-book, as
 ‘ usually

usually he doth, against the fast; and yet, in the close, he concluded positively for it. Lord Jones added, You need not think that Wariston, by his speeches, will turn the house round. I perceive," says Sharp, "he hath, by his ramblings, discovered his weakness, and lost his repute amongst them; and it is like, if he hold on, that he will serve for interludes in that house, as Cochran did in the House of Commons in the other Parliament. One told me this day, that a Parliament-man had said to him, that there was not one of the Scots members who did speak, or could speak in their House; but there was one in the other House was always speaking to little purpose." *Letters to Mr Robert Douglas, 22d February 1659, MS. in the Library of the Church of Scotland.*

The following letter from the same person is on many occasions exceedingly curious.

"As for Wariston, I have a letter of his to Lauderdale, by the last post, bearing, that Monsieur Morus had wrote to him, *per sanctam permissionem summorum potestatum*, that he should have his pardon, and be received into special favour and trust, if he did not obstruct the entry of the King; and having, in his confused large way, given him a deduction of the particulars of his carriage, disclaiming accession to the King's death, and taking his great reason from the examples of Daniel and Nehemiah, who being captive, accepted of the call of their oppressors, that they might be in capacity to deal for the service of, and relief of their country, he does conclude with a desire that the Earl of Lauderdale would interpose for his pardon and reception into his Majesty's favour, and restoration to his place, engaging all fidelity and loyalty to his Majesty. My Lord Lauderdale will be loth to undertake such an employment as he would put upon him; and if he expects to keep his place, or be received into favour, sure he is much deceived. The King bears no good will to any of that party; and for him, if he escape somewhat else than the loss of his place, I believe he will have good luck." *Letter, 2d June 1660, Mr James Sharp to Mr Robert Douglas, in the Library of the Church of Scotland.*

The Earl of Middleton thus writes to Sir Archibald Primrose, Clerk-Register, 3d February 1663. "Mr Secretary Bennet, my Lord Dumfries, and myself, were taken up this whole day with examination of Wariston, and some others. He pretends to have lost his memory, and so will give no account of any thing. He is the most timorous person that ever I did see in my life, and pretends he can do the King great service, if he will give him his life, in putting the registers in good order, and setting the King's prerogative from old records." *MS. Advocates Library.*

See Warriston's character, drawn by his nephew Bishop Burnet, *History of his own times*, vol. 1. p. 28. and an account of his execution, *ibid.* p. 203. It is reported by Mr Woodrow, in his *History of the Church of Scotland*, that Warriston's Memoirs, drawn up by himself in the form of a diary, are still extant. If they are extant, they well deserve to be published; for he was perfectly acquainted with the transactions of that busy and interesting period, from 1638 to 1660.

Note

Note 64. Sir John Gilmour, President.

He bought the lands of Craigmiller in or about 1660. Lament 167.

His character as a pleader is thus drawn by Sir George Mackenzie, *Idea eloquentiæ forensis*: "Sine ullo juris Civilis auxilio doctissimus, raro miraculo, dici poterat; ingenioque suo praxin fori Scotici juri etiam Romano æquabat. Illum jura potius ponere, quam de jure respondere dixisses; eique appropinquabant clientes tanquam judici potius quam advocato. Quasi alter etiam Hercules nodosa et nulla arte perpolitata clava adversarios prostravit; sine rhetorica eloquens, sine literis doctus. Opposuit ei Providentia Nisbetum, ut justitiæ scalæ in æquilibrio essent. Quoties conflixerunt, penes Gilmorium gloria, penes Nisbetum palma fuit; quoniam in hoc plus artis et cultus, in illo plus naturæ et virium." It is hard to say what Sir George Mackenzie means by the antithesis of *gloria* and *palma*.

The bold stand which he made in behalf of the Marquis of Argyle, will be ever remembered to his honour.

Note 65. Sir Robert Murray.

The first President of the Royal Society. He was the patron of Bishop Burnet, who gratefully celebrates him in the 1st volume of the history of his own times.

Note 66. Sir George Mackenzie of Tarbet, removed.

He was removed on account of the share which he had in the famous act for incapacitating by ballot, commonly called *the act for billeting*. He was afterwards restored to favour, as the King's letter to the Court of Session bears, 27th September 1678: "Considering how before that, and even in the worst of times, he had, on all occasions, evidenced an entire loyalty and fidelity to us; and that since he has not only shewed a dutiful acquiescence to our will, and his grief for the wrong he had committed in that affair, but also that he hath laid hold on all fit opportunities to demonstrate his constant duty and loyalty to us, and affection to our minister, [Lauderdale], whom he had injured; and upon narrower search into his deportment, finding, that in the fault committed by him, he was not only induced, but commanded, to it by our then Commissioner, [Middleton], and severals of our Principal Officers, as the instructions given to him, and other authentic papers, have evidently made appear unto us," &c.

In 1678 he was made Justice-General; 1681 Lord Register; 1685 Viscount Tarbet; 1692 again Lord Register; 1702 Secretary of State; 1703 Earl of Cromarty. He was also restored to his office of Justice-General, which in 1710 he resigned, upon a compromise, to Archibald Earl of Ilay.

(66²) Sir James Dalrymple of Stair.
 1662 Nov. 4 The Court of Session sat down. His Grace the Commissioner nominated Lord Stair to supply the place of President in the absence of Sir John Gilmore who was called to London on special service.
 1676 Dec. 15. In consideration of the great services done the City of Edinburgh by the President Stair the Magistrates ordered that his house rent be paid by the town during life, and the same to his successors. See *Scots Intelligence* N^o 46.
See Hailstones Edm. 100.

NOTES ON THE CATALOGUE OF

Note 67. Sir Robert Nairne of Strathurd.

He was a distinguished Royalist, and on that account suffered a ten years imprisonment in the tower of London, from 1650 to 1660. He was created Lord Nairne in 1681.

Note 68. Mr Robert Burnet of Crimond.

He married Rachel Johnston, Lord Wariston's sister. Her mother, Elizabeth, was the daughter of Sir Thomas Craig. He published an edition of his grandfather's celebrated treatise *De Feudis*. He left Scotland at the breaking out of the civil war in the reign of Charles I. and retired into France. See a spirited and elegant letter from him to his brother-in-law Lord Wariston, *Memorials concerning the history of Britain*, vol. 2.

He was the father of Bishop Burnet. See his character in the *Life of the Bishop*, by Sir Thomas Burnet. *He was also father of Robert Burnet an Advocate who died in March 1662 Lamont 181.*

Note 69. Mr James Robertson of Bedlay.

His answer to the President, upon being required to take the declaration, is remarkable: "I never had, nor have, any scruple to declare as is required by act of parliament concerning the covenant, except I should, for popularity, believe my own conscience; so let me humbly desire your Lordships, that I be not accounted among the refusers. My great age and sickness may shortly make an end of my service; but it becomes me, in obedience to the King his Majesty, and your Lordships order, to speak the truth before God." *He died at Edm. aged early in May 1664 and was buried the 13th May. Lamont 213*

Note 70. Mr John Scougal of Whytekirk. Son of Sir John Scougal of that ilk and brother of Patrick Scougal Bishop of Aberdeen 1664-1682. *He bought the lands of Whytekirk in East Lothian in 1659. See Lamont 139, 145, 172.*

He died on the 7th of July 1671. The Lords of Session assisted at his funeral, being attended by the advocates and writers in mourning, and having their maces carried before them.

Note 71. Sir David Nevoy of Nevoy.

and in 1652, was made Sheriff Depute of Forfarshire, by the English.
 21 April 1653 he married Margaret May the 4th daughter of Hay of Pitfour in the *Card of Gaurie. Lamont 66, 172.*
 He had been a professor in St Leonard's college at St Andrews. At his first admission he was termed Lord Reidie.

Note 72. Sir James Dundas of Arniston, resigned.

He resigned, because he scrupled to take the declaration. His letter to the President on this occasion deserves to be remembered: "I did some weeks ago send a demission of my place in the Session to the Court, which I hope before this time is presented to the King's Most Sacred Majesty, whereby I am altogether incapacitated to give obedience to the Lords of Session their commands put upon me as one of their number. This, I hope, will excuse me for not waiting upon their Lordships; and shall intreat their Lordships may believe, that

‘ that though I shall no more be able to serve them as a public minister, yet I
 ‘ shall never omit any thing that shall be in my power as a private man, where-
 ‘ by I may witness the deep sense I have of their Lordships civility and kind-
 ‘ nefs to me while I had the honour to sit among them; which can never be
 ‘ forgotten by,” &c.

Note 73. *Sir John Nisbet of Dirleton.*

“ A man of great learning, both in law, and in many other things, chiefly
 ‘ in the Greek learning. He was a person of great integrity, and always stood
 ‘ firm to the law.” *Burnet’s History*, vol. 1. p. 279.

Sir George Mackenzie thus delineates his character as a pleader: “ Opposuit
 ‘ ei [Gilmorio] providentia Nisbetum; qui summa doctrina consummataque
 ‘ eloquentia causas agebat, ut justitiæ scalæ in æquilibrio essent; nimia tamen
 ‘ arte semper utens artem suam suspectam reddebat. Quoties ergo conflixerunt,
 ‘ penes Gilmorium gloria, penes Nisbetum palma fuit; quoniam in hoc plus artis
 ‘ et cultus, in illo plus naturæ et virium.”

Some idea may be formed of his character of a judge from the following
 passages in his works: “ Nihil quidem a religione judicantis magis alienum est
 ‘ quam προσωποληψία, ea divino et omni jure vetita, ægre tamen vitatur: et quod
 ‘ de Marte, et Venere, et de Vulcani vinculis occultis sed tenacibus in fabulis
 ‘ est, verum est de affectibus animum impredientibus, ne verum et justum cernere
 ‘ possit: imo ubi lex et regula haud deest, interdum instar Lesbæ, colore a liquo
 ‘ eo torquetur, quo affectus impellit.” *De Feodo pecuniæ et nominum. Doubts*,
 p. 65.

— “ I have often urged, that favour is not *nomen juris*, and law ought to be
 ‘ uniform, and not *Lesbia regula*, pliable and variable upon pretences of favour-
 ‘ able and not favourable; *sed nunquam credita Teucris Cassandra.*” 24th July
 1666, *Petrie against Rickart. Decisions*, p. 12.

Sir John Nisbet was the son of Patrick Nisbet of Eastbank, Lord of Session
 in 1636. He was appointed King’s Advocate, 4th November 1664, upon the
 demission of Sir John Fletcher. He was the last person who held at one time
 the offices of Lord of Session and King’s Advocate.

His *Doubts*, methodised by Sir William Hamilton of Whitelaw, and his *De-
 cisions*, from 7th December 1665 to 26th June 1677, were published by Mr
 Robert Bennet, advocate, 1698.

There are interpolations in his *Doubts*. See the title, “ *Reduction ex capite
 lecti*,” p. 150. where mention is made of a decision, “ *Davidson against Davidson*,
 November 1687,” although Dirleton died in 1678. There can be no mistake as
 to the date of the decision; for both the case and the argument are stated at
 great length by Harcarfe, title, *Lectus ægritudinis*; and the decision is there
 marked as pronounced between the parties in November 1687.

Note

NOTES ON THE CATALOGUE OF

Note 74. *Marquis of Montrose.*

To distinguish him from his *great* predecessor, he obtained the more amiable appellation of *the good Marquis*; and by that he is still affectionately remembered in Scotland.

1659 *M. Peter Wedderburn Advocate in Court: bought the lands of Gosford from Sir Alex. Johnston for about 65,000 marks Lamont 145.*

Note 75. *Sir Peter Wedderburn of Gosford.*

He was sole Clerk of Privy Council. He drew up "Decisions of the Court of Session," from 1st June 1668 to the end of July 1677, MS. His amiable character is thus drawn by Sir George Mackenzie: "Wedderburnus morum probitate iudices clienti conciliabat, dicendique suavitate eos corrumpere potuisset, si voluisset; *nihil autem ille in facto, nisi quod verum, nec in jure, nisi quod justum, pathetice urgebat.* Ciceronis lectioni semper incumberebat; unde illi dicendi genus uniforme et flexanimum: ex junioribus tamen nullus illum imitari poterat, sicut ille Ciceronem; eloquium materiam, actio eloquium decorabat, fama fugientem prosequeretur."

Fountainhall says, vol. 1. p. 48. 3d June 1679, "President Stair being at London, the Lords, according to their custom, and the warrant given them by the 93d act, Parl. 1579, elected *Lord Gosford* Vice-President. Some thought that Collington or Strathurd, as the eldest senators, might preside, conform to the 93d act, parl. 1540; others, that the King might name one to supply the President's place in his absence, as was done in the 42d act, Parl. 1537."

Note 76. *Mr Charles Maitland of Halton.*

The manner of his admission is singular. The Lords appointed two of their number "to confer with him *concerning his literature*;" and upon their report admitted him.

Note 77. *Sir Thomas Murray of Glendoick.*

Concerning the admission of Lord Forret and him, Lord Dirleton thus speaks, *Decisions*, p. 71. 72. "The King's Majesty having, by two letters to the Lords of Session, presented Mr David Balfour of Forret, and Mr Thomas Murray, both advocates, to be Lords of Session, it was moved by one of the Lords, that seeing by the law and acts of Parliament, those who are to be admitted to be Lords of Session should be tried, therefore the trial should be such as is intended by the law; the very notion of trial importing at least a serious, if not a strict and exact way of trial."

"This was moved, because that way of trial had become of late so perfunctious, and *dicis causa*, that it was ridiculous, and in effect a mock-trial; some of the Lords being appointed to examine those who were named by the King, and after they had asked some trivial questions, having made report, that they found them qualified, albeit it was not only known to the examiners, but to all the Lords, and notour to the world, that they were altogether ignorant both of law and practice, and did acknowledge it themselves, not daring to expose themselves to sit in the Outer-house as Ordinaries, they prevailing with others of the Lords to go out and officiate for them, as curates."

After

After having mentioned the reasons for this, Lord Dirleton adds, "It was answered, That the way of trial that had been for a long time, should be continued at this time; and that the motion was upon some design.

"The mover did purge himself, upon oath, that he had no design, but to do duty; and did attest the President [Stair], that before this occasion they had spoke often to that purpose; and did represent, that this is the fit time to put the law and statutes in execution, the persons named being advocates, and persons presumed to be able to undergo the trial; so that it cannot be thought that there is any thing of design against their persons; that it cannot be denied but the late way is abusive, and *antiquitas erroris*, or *abusus*, cannot be thought and pleaded to be custom; that in the year 1629, the Lords, by an act of *federunt*, had renewed and ratified all the former statutes anent the trial and admission of the Lords, and ordained them to be observed; that since that time the troubles intervened, and continued long; so that prescription cannot be pretended for an abuse which had occasioned so great prejudice and clamour.

"It was carried, that the examination should be as it had been of late; and upon the report of Gosfoord and Craigie, appointed to examine them, they were admitted. Gosfoord was of opinion that there should be another way of trial."

Note 78. *Earl of Argyle.*

See Fountainhall, vol. i. p. 160. The history of this eminent person is known; but it is not generally known that he was a man of pleasantry. He writes thus to Sir Archibald Primrose, Clerk-Register, 1st September 1663. "You have now,—in your hands, not for sculdudrie, the old fault of the house; else I should not interpose, he would make shift for friends; but for a less gentlemanny crime, theft; which, if he were guilty of, it needed not come this length. Pray, play him fair play, and make not him the only example of (for) suffering thieves to live near him." *MS. Advocates Library.*

Sir George Mackenzie, King's Advocate, insisted, that the Earl of Argyle should be executed, in consequence of the sentence formerly pronounced against him for explaining the *Test*. The secret reason of this was, That Sir George considered that sentence as so flagrantly unjust, that it could not fail of being reversed upon a change of ministry; whereas, if the Earl had been tried and condemned for rising in arms, the sentence could not in all probability have been reversed, unless upon a change of government. Of the truth of this anecdote the publisher has been assured by the relations of the noble family of Argyle.

Note 79. *Sir Alexander Seton of Pitmedden, removed, 1686.*

The account which he himself gives of this event is curious. "There were great pains taken to bring over Pitmedden to the Court-side; and the Lord Maitland, then Popish, and many others, were sent by the King's Commissio-

1686 June 22. In the Court of Justiciary was produced the Kings letter to the Justiciary, ordering Sir Alex^r. Seton of Pitmedden one of the Lords of Justiciary to be removed - and appointed to be intimated. Records of Justiciary. Sir John Murray of Drumcairn was afterwards appointed in his place.

ner to deal with him; and further preferments were offered, on condition he would but forbear to argue for the penal laws. To which he answered, He was bound by the oath of Parliament to give faithful counsel, as well as faithful vote; and being impregnable, the letter [of dismissal] was produced against him; but not till he was acquainted of it, and had refused even to go to speak with the President of the Session, to whom the production of the letter was committed. And it is further to be observed, that after production divers persons of quality were set on him to come back to his place, on condition of compliance in time to come; and to this end the King, who had preferred Pitmedden to be a Lord of Justiciary for his parts, and suffering for the Royal Family, did forbear to present a successor to him in the Session till 5th February 1687; and the Convention of Estates, anno 1689, made this and some other overturning of Judges one of the causes of deposing King James from his royal dignity. Further, King James, after his exile, was heard, both in Ireland and France, to regret his carriage to Pitmedden, and to blame his Queen for it.

"St Bazil being invited by Modestus, by command of Valens the Emperor, to turn Arian, with a promise of rewards, and threatened with punishments if he returned not, answered, Rewards were fit to tempt children, and threats to terrify cowards." Theodoret, Hist. Eccles. l. 4. c. 17. MS. Notes on the Books of Sederunt.

Lord Fountainhall observes, "That in the Parliament 1686, of all the Judges, Pitmedden only, like Athanasius, opposed the Court." Vol. 1. p. 447.

The King's letter to the Court of Session, intimating his dismissal, bears, That "we have removed him for reasons best known to ourselves."

Lord Pitmedden published a treatise of mutilation and demembration, subjoined to the second edition of Sir George Mackenzie's Law of Scotland in Matters Criminal, fol. 1699. This treatise shews that the author had read many books.

Note 80. Sir George Gordon, President.

A new commission, under the great seal, was at ^{in Septemr 1681} this time granted to the Lords, ^{in which Lord Stair the President was left out.} On this occasion Lord Pitmedden, MS. notes on the Books of Sederunt, observes, that "it makes their places, which, by act of James VI. were *ad vitam vel culpam*, become arbitrary; and therefore I opposed it, and afterwards found the fruits of it, when I was turned out of my place, as one of the number, for no other cause, but the opposition I made to toleration of Popish idolatry, in the Parliament holden anno 1686."

Note 81. Sir David Falconer of Newton, President. descended from the family of Falkerton.

He drew up Decisions of the Court of Session, from November 1681 to 9th December 1685, the very last day of his sitting in Court, Fountainhall, vol. 1. p. 382. They were published in 4to, 1701, by Mr John Spottiswoode advocate. He died 15 Decemr 1685 aged 46 Theater of Mort 1704. p 44-5
see Maitland's Edition 200
N ot

Note 82. *Sir George Nicolson of Kemnay.*

“ Two Lords were appointed to examine him, and report ; which they did ; and he in the afternoon was sworn and received. Some doubted how this could be done, when the late act of federunt 1674 ordains he should sit a week in the Outer-house, &c. Some say, the King’s letter expressly dispensed with this formality. [A mistake. The letter bears, *effectually to try*]. We saw it, in October and November 1681, passed over and neglected in the admission of Drumcairn and Boyne ; only it may be said, they came in by virtue of a new commission from the King to the whole Lords.” *Fountainhall, vol. 1. p. 186.*

Note 83. *Sir Patrick Lyon of Carfe.*

He had been a Professor of Philosophy in the Old College of St Andrew’s, and afterwards Admiral-depute. He drew up the *Decisions of the Court of Session*, from 1682 to July 1687. *MS.*

Note 84. *Sir George Lockhart, President.* *he was assassinated 31 March 1689 by John Chiesly.*

January 17. 1658. He was appointed, during life, advocate to Oliver Cromwell.

“ He was the most learned lawyer and the best pleader I have ever yet known in any nation ; and he had all the lawyers almost in a dependence on him.” *Burnet’s History, vol. 1. p. 370.*

“ Lockartius corpus alterum Juris Civilis, alterque Cicero dici poterat. Illi etiam peculiare erat argumenta sua eo ordine disponere, ut tanquam lapides in fornice alter alterum sustineret : quæ ex improvviso, dum oraret, ei suggerebantur, prompta solertia indicabat, aptisque locis disponebat. Nihil ab eo abscondit jurisprudentia, et quamprimum casus illi a cliente aperiretur, sua omnia, omniaque adversarii, argumenta retexebat, et in ipsam sententiam qua definienda erat causa, penetrabat. Iracundia, quæ alios oratores turbabat, eum tantum excitare solebat ; vocem tamen latratu, vultumque rugis deformabat.” *Sir George M^cKenzie.*

Note 85. *William Duke of Hamilton.*

“ The Duke of Hamilton, during last vacation, was received as an extraordinary Lord of Session, in Queensberry’s place ; then laid aside. This practice came in with the seven months vacance, when Newton was made President, and Kemnay a Lord in his place, in May 1682 : for they thought it not safe to delay their letters of admission till November. *Multa cadunt inter calicem supremaque labra.*” *Fountainhall.*

Note

Note 86. *Mr Alexander Swinton of Merfington.*

On occasion of the two promotions at this time, *Fountainhall* says, *vol 1. p. 505.*
“ The King divided his favours between the Presbyterians and the Papists.”
“ Lord Merfington was a zealous Presbyterian.”

Note 87. *Sir John Maitland of Ravelrig.*

Afterwards Earl of Lauderdale.

Note 88. *Lord Polwarth.*

Afterwards Earl of Marchmont.

Note 89. *Sir Alexander Campbell of Cessnock.*

By the death of his elder brother, Lord Polwarth, afterwards Earl of Marchmont.

Note 90. *Mr James Elphinstone of Coupar.*

Afterwards Lord Balmerino.

The Historical Notes could not with propriety be continued down to a more recent period. There is however one circumstance, relating to the late President Dundas, which the Publisher will be permitted to mention: President Dalrymple said, “ I knew the great lawyers of the last age, Mackenzie, Lockhart, “ and my own father, Stair; Dundas excels them all.”

ADDITIONAL NOTES.

Mr James Scott. Cat. P. 3.

MR James Scott, grandson of Sir David Scott of Buccleugh, and — daughter of Thomas first Lord Somerville, was Provost of Corstorphine at the time of the Reformation.—He built a *manse* there for himself, and his successors, upon which his arms are still to be seen.—He was a man of great integrity and learning, and was made Clerk to the Treasury by King James V. He acquitted himself in his office of Lord of Session, with great reputation, as long as he lived. His elder brother Sir Alexander, dying when his son was under age, Mr James carefully educated him, and bred him to the study of the law, in which he was eminent, was made Clerk to the Parliament, and Director of the Chancery, “*pro toto tempore vitæ suæ*,” by a writ under the Great Seal, dated 17th October 1579. He was grandfather of Sir John Scott, the first of Scotstarvet. The Provost died *anno* 1563. *Douglas's Baronage of Scotland*, P. 221.

Mr Archibald Douglas. Cat. P. 5. *Parson of Glasgow*

HE sold the manse of the Parsonage, which was situated a little to the east of the Bishop's Palace, to Captain Thomas Crawford of Jordanhill, a younger son of Kilbirny, *anno* 1580. Jordanhill afterwards sold it to Lord Boyd. *Mr Ure's History of Glasgow*, p. 51.

Mr Thomas Hamilton. Cat. P. 7.

THIS person's designation was not Prestonfield, but Priestfield. The lands from whence he adopted it, were not known by the first mentioned name, till after they were purchased by Sir James Dick Lord Provost of Edinburgh, (near the end of the reign of Charles II.) who, having likewise purchased some adjoining lands from the estate of the Prestons of Craigmillar, denominated all his contiguous property *Prestonfield*.

H

Sir

Sir James Oliphant of Newton. Cat. p. 9.

THIS family seems to have been very unfortunate: " Sir James Oliphant of Newton was created a Baronet 28th July 1629, and on the 3d November following made a Lord of Session. He murdered his gardiner by shooting him with a hagbut, and was, in 1632, expelled from the Bench. He had a son and successor, Sir James Oliphant of Newton, born 20th October 1612, who in a drunken fit stabbed his mother with a sword in her own house so as to occasion her death. He thereupon fled into Ireland, disposed of all his landed property, and died in great penury and wretchedness." *Wood's Ancient and Modern State of the Parish of Cramond. Scotstarvet's Staggering State of the Scots Statesmen, 139, 140. Gilmour and Falconer's Decisions ad ann. 1663. Register of Baptisms of Edinburgh.*

Mr James Erskine of Grange. Cat. P. 16.

HE resigned his gown in 1734, in expectation of being appointed Secretary of State for Scotland, and he was afterwards elected Member of Parliament for the Stirling district of Boroughs. But receiving no appointment to the office, he appeared again at the bar as a pleader, but retired in a short time to a private life.

Sir James Foulis of Collington. Cat. P. 12.

HE was very instrumental in suppressing the riots of factious and seditious people in Edinburgh, for which, by an act of the Town Council, of date the 26th September 1677, a coat of armour for his good services was propined. *Memoirs of the family of Sir William Binning of Wallieford, by his son Mr Charles Binning of Pilmure, Advocate. P. 27. MS. and Records of the Town Council of Edinburgh.*

SIR James Foulis, third Baronet of Collington, was appointed a Lord of Session in 1681, in the lifetime of his father; but he resigned with the rest of the Bench at the Revolution. In the beginning of the reign of Queen Anne, he was appointed Colonel of the Militia

Militia of Mid-Lothian, and one of the members of the Privy Council. He was also a member of the last Scottish, and first British Parliament. He married and had issue, and died in 1711.

Sir James had a long contested law-plea with his step-mother, who was also the mother of the first Earl of Cromarty. This Lady was provided by her contract of marriage with the liferent of whatever should be acquired during its continuance; but the Lords found, 29th July 1692, that as her step-son was provided in the estate of Collington, and the money she had brought, or had been acquired, was spent in discharging the debts on that estate, she could have no right to any part of it.

Mr Andrew Fletcher of Milton. Cat. P. 16.

HE was appointed Lord Justice Clerk in 1735, on the demise of Mr Adam Cockburn of Ormiston, but resigned in 1748, and was succeeded by Mr Charles Erskine of Tinwald. He sat on the Bench 43 years.

Sir James Fergusson of Kilkerran. Cat. P. 16.

HE collected the Decisions of the Court of Session from 1738 to 1752, in the form of a Dictionary, which were published by his son in 1775.

Mr Duncan Forbes of Culloden. Cat. P. 16.

HE was admitted to the bar in 1709, and was made King's Advocate in 1725. He represented the Inverness district of Boroughs from 1722 to 1737, when he was promoted to the Bench. During the troubles of 1715 and 1745, he conducted himself with such prudence and moderation, as to acquire the esteem of all parties; and his humane exertions contributed much to the re-establishment of peace and order to his country. On the Bench, he was distinguished for a deep knowledge of the Civil Law, and an anxious regard for the administration of strict justice. He was well skilled in the ancient languages, and particularly the Hebrew.

His

His leisure hours were chiefly employed in philosophical and theological studies; and there were published after his death, in 2 vols 8vo, "Thoughts on Religion Natural and Revealed: "Reflections on the Sources of Incredulity with regard to Religion:" and "A Letter to a Bishop concerning some important discoveries in Philosophy," which are written in a flowing and oratorical style. The elegant Statue by Roubiliac, erected to his memory in the Outer Parliament House, by the Faculty of Advocates, is a remarkable testimony of the high estimation in which he was held by his countrymen. His character is given in the following Inscription: "Duncano Forbes de Culloden, supremæ in civilibus curiæ Præfidi, Judici integerrimo, civi optimo, priscæ virtutis viro, Facultas Juridica libens posuit, anno post obitum quinto C. N. 1752."

Mr Henry Home of Kaimes. Cat. P. 17.

HE was great grandson of Sir John Home of Renton, who held the office of Lord Justice Clerk in 1663. His grandfather, Mr Henry Home, received the estate of Kaimes from his uncle George, brother of the Justice Clerk. The family of Renton is descended from that of the Earls of Home, the representatives of the ancient Princes of Northumberland, as appears from the records of the Lyon office.

Lord Kaimes was born in 1696. He never attended a public school, but was instructed in the ancient and modern languages, and in mathematical science, by a private tutor, Mr Wingate, a man of much ability and learning. He came to the bar in January 1723; and he seems to have pursued his professional studies with much ardour; for so early as 1728 he published a volume of *Remarkable Decisions*, in the preface to which, he pays some very elegant compliments to the then President Dalrymple. His *Essays upon several subjects in Law*, which appeared in 1732, exhibit great ingenuity and extensive views, and attracted the admiration of the lawyers. In 1741 his great work came out, viz. *Decisions of the Court of Session from its first institution to the year 1740, abridged and digested under proper heads in form of a Dictionary*; a most laborious work, and a valuable acquisition to every lawyer. His *Essays concerning*

cerning *British Antiquities*, he composed in the country, whither he retired during the distracted period of 1745 and 1746. His *Elements of Criticism* raised his reputation as a scholar, and a student in the *Belles Lettres*. By the *Essays on the Principles of Morality and Natural Religion*, he excited general attention, and much controversy, having inculcated the doctrine of *philosophical necessity*. The same thing had indeed been done by Hobbes, Collins, Hume, and others; but the world supposed them professed infidels, and little wonder, though much indignation, was provoked by their writings. A number of criticisms appeared upon this work; and some, confounding *necessity* with *predestination*, complimented the author on his masterly defence of the established faith. It is related, that a professor in a dissenting academy recommended the book to his pupils, as containing a complete vindication of the doctrine of Calvin, for which he was dismissed his office, and excluded from the communion of his sect.

His biographer asserts, that Lord Kaimes, like many other great and good men, continued a *Necessarian* till the day of his death; but that in a subsequent edition of his *Essays*, he altered his expressions, which, contrary to his intention, had given such general offence.

Amidst other studies, that of *Agriculture* occupied a portion of his time, and much information is to be found in his *Gentleman Farmer*. It is said he composed his *Loose Hints on Education* in his 84th year. He possessed a healthy and strong constitution, great vivacity of wit and of animal spirits. Although he attended conscientiously to his duty as a Judge, he found leisure for his various literary pursuits, by a proper distribution of his time. As he had no marked disease but the debility naturally arising from extreme old age, he went to the Court a few days before his death, addressed the Judges separately, told them he was speedily to depart, and took a solemn and affectionate farewell.

He died on the 27th December 1782, in his 86th year.

His letters of correspondence with the celebrated Dr Berkeley, Bishop of Cloyne, Dr Butler Bishop of Durham, Dr Samuel Clarke, and other learned men, have been carefully preserved by his son Mr George Home Drummond. He married — Drummond, by whom he received the estate of Blair-Drummond.

A Catalogue of his works may be with some propriety annexed.

- 1728. Remarkable Decisions of the Court of Session from 1716 to 1728. 1 vol. folio.
- 1732. Essays upon several subjects, viz. *Jus tertii*; *Beneficium cedendarum actionum*; *Vinco vincentem*; and *Prescription*. 1 vol. 8vo.
- 1741. Decisions of the Court of Session, from its first Institution to the year 1740, abridged and digested under proper heads, in the form of a Dictionary, 2 vols folio.
- 1747. Essays upon several subjects concerning British Antiquities, 1 vol. 8vo.
- 1751. Essays on the Principles of Morality and Natural Religion, 1 vol. 8vo.
- 1757. The Statute Law of Scotland abridged, with Historical Notes, 1 vol. 8vo.
- 1759. Historical Law Tracts, 1 vol. 8vo.
- 1760. The Principles of Equity, 1 vol. folio.
- 1761. Introduction to the Art of Thinking, 1 vol. 12mo.
- 1762. Elements of Criticism, 3 vols 8vo.
- 1766. Remarkable Decisions of the Court of Session, from 1730 to 1752, 1 vol. folio.
- 1772. The Gentleman Farmer, being an attempt to improve Agriculture by subjecting it to the test of rational principles, 1 vol. 8vo.
- 1773. Sketches of the History of Man, 2 vols 4to.
- 1777. Elucidations respecting the Common and Statute Law of Scotland, 1 vol. 8vo.
- 1780. Select Decisions of the Court of Session from 1752 to 1768, 1 vol folio.
- 1781. Loose Hints upon Education, chiefly concerning the culture of the Heart, 1 vol. 8vo.

In the *Essays Physical and Literary*, published at Edinburgh, are Papers *On the Laws of Motion*, *On the Advantages of Shallow Ploughing*, and *On Evaporation*, all written by Lord Kaimes.

Mr Andrew Macdowall of Bankton. Cat. P. 17.

HE published an Institute of the Laws of Scotland, in 3 vols folio, which is now become scarce.

Mr Andrew Pringle of Alemore. Cat. P. 17.

HE was distinguished for his elegance as an orator, and a most dignified deportment as a Judge:—Mr Sheridan, in his Discourses upon English Oratory, thus speaks of his Lordship: “ I met with
“ a very extraordinary instance at Edinburgh, in a Lord of Session, who, though he had never been out of Scotland, yet merely by his own pains, without rule or method, only conversing
“ with such Englishmen as happened to be there, and reading regularly with some of the principal actors, arrived even at an
“ accuracy of pronunciation, and had not the least tincture of
“ Scottish intonation.”

Mr

Mr Robert Dundas of Arniston. Cat. P. 17.

OF this eminent man, a character is given by a modern Biographer, of much ability and learning: " He was called to the bar in 1738, and in his earliest public appearances, gave ample proof of his inheriting, in their utmost extent, the abilities and genius of his family. His eloquence was copious and animated; in argument, he displayed a wonderful fertility of invention, tempered by a discriminating judgment, which gave, even to his unpremeditated harangues, a methodical arrangement: in consultation, he possessed a quickness of apprehension beyond all example; and his memory, which was most singularly tenacious, enabled him to treasure up, and to produce instantaneously, every case or precedent which was applicable to the matter before him."—" From the period of the institution of that Court over which he presided, no man ever occupied the President's chair, who combined in himself so many of the essential requisites for the discharge of that important office."

He was appointed Solicitor General in 1742, at the age of 29, under the Carteret Administration.—But upon Mr Pelham's coming into power in 1746, he resigned.—In 1754 he was chosen Member of Parliament for the County of Edinburgh, and in 1755 was appointed his Majesty's Advocate, which office he held till he was advanced to the Bench. He died at Edinburgh, 13th December 1787, and his Funeral was attended by the Lord Provost and Magistrates, the Principal and Professors of the University, Lords, Barons, Advocates, and Writers to the Signet, all in their gowns. A very solemn and affecting procession!

Mr Francis Garden of Gardenstone. Cat. P. 17.

HE was reckoned an ingenious and an able pleader, and possessed a strong, clear and copious flow of language. He was appointed joint Solicitor General along with Mr James Montgomery, (now Lord Chief Baron of Exchequer,) in 1761. For a considerable period of his life, his attendance in Court was not regular, being unable from bodily infirmity to sit long without exercise or motion. Indeed,

deed, the bent of his mind seems to have changed to an object very different from the profession to which he had been bred. In 1768, he was seized with a rage (as he says himself) for establishing a manufacturing village at Laurencekirk in Kincardineshire, in which he was so successful, as, in the space of a dozen years, to see it contain 500 souls; and he obtained in 1779 a charter from the Crown, erecting it into a free and independent burgh of barony.

On his succession to the fine estate of Troup by the death of his brother in 1785, he resigned his gown as one of the Commissioners of Justiciary; and his health declining, he went to the continent in 1786, where he resided near two years. After his return to Scotland in 1788, he seldom appeared upon the Bench at all.

There have been published, in 3 vols. "Travelling Memorandums, made in a Tour upon the Continent of Europe, in the years 1786, 1787, and 1788: By the Honourable Lord Gardenstone." To which are prefixed as a motto, these lines from Shakespeare:—

*Crowns in my purse I have, and goods at home,
And so am come abroad to see the world.*

These Memorandums are written in an easy, amusing stile, and contain a good deal of information and advice useful to valetudinary travellers.

A few years before his death, he erected an elegant Temple to Hygeia at the Mineral Well of St Bernard's, on the Water of Leith, which cost him, it is said, near L. 2000.

A volume of "Miscellanies in prose and verse," has appeared with his name, but of which he was not the author, and they are otherwise unworthy of notice.

In a short Memoir of his Life, prefixed to the 3d vol. of his *Memorandums*, it is said, that it was in contemplation to have appointed him to the President's chair, had not bodily infirmities overtaken him; but the information upon which this is related, is not alledged to be positive.

Sir David Dalrymple of Hailes. Cat. P. 17.

THIS great ornament of his country was the great-grandson of James first Viscount Stair, who was President of the Court of Session, and author of *Institutions of the Law of Scotland, and Decisions of the Court*
of

of Session from 1661 to 1681.—The Viscount's fifth son, David, was created a Baronet in 1701, and was Lord Advocate from 1709 to 1720. He was father of Sir James Dalrymple, who was Auditor of Exchequer, and was father of Sir David Dalrymple, Lord Hailes.

He was born in 1726, and came to the bar in 1748. He was raised to the Bench in 1766, and was appointed a Lord of Justiciary in 1776.

“ His knowledge of the laws was accurate and profound, and
 “ he applied it in judgment with the most scrupulous integrity.
 “ In his proceedings in the criminal court, the satisfaction he
 “ gave to the public could not be surpassed. His abhorrence of
 “ crimes, his tenderness for the criminals, his respect for the laws,
 “ and his reverential awe of the Omniscient Judge, inspired him,
 “ on some occasions, with a commanding sublimity of thought,
 “ and a feeling solemnity of expression, that made condemnation
 “ seem just, as the doom of Providence, to the criminals them-
 “ selves, and raised a salutary horror of crimes in the breast of the
 “ audience.

“ Conscious of the dignity and importance of the high office he
 “ held, he never departed from the decorum that becomes that
 “ reverend character ; which indeed it cost him no effort to sup-
 “ port, because he acted from principle and sentiment, both pub-
 “ lic and private. Affectionate to his family and relations, simple
 “ and mild in his manners, pure and conscientious in his morals,
 “ enlightened and entertaining in his conversation ; he left society
 “ only to regret, that, devoted as he was to more important em-
 “ ployments, he had so little time to spare for intercourse with
 “ them.

“ He was well known to be of high rank in the republic of letters,
 “ and his loss will be deeply felt through many of her departments.
 “ His labours in illustration of the history of his country, and
 “ many other works of profound erudition, remain as monu-
 “ ments of his accurate and faithful research for materials, and
 “ his sound judgment in the selection of them.” *Funeral Ser-
 mon by Dr Carlyle.*

To this just tribute of the venerable Clergyman, may be added,
 (to use his Lordship's own words,) “ A man he was, to be re-

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“ membered

"membered, while virtue and literature are held in esteem among
"men." See *Annals of Scotland*, vol. 2. p. 146.

When the number and variety of the productions of his pen are considered, the passage of Pliny the younger, in his letter to Macer, when speaking of Pliny the elder, may justly be applied to the Scottish historian: "Nonne videtur tibi, recordanti quantum legerit, quantum scripserit, nec in officiis ullis, nec in amicitia principum fuisse?"

A list of his Lordship's works, as they are not generally known, is here subjoined, arranged in the order of their publication.

46. SACRED Poems, or a collection of Translations and Paraphrases from the Holy Scriptures; by various authors. Edinburgh 1751, 12mo. Dedicated to Charles Lord Hope; with a preface of ten pages.

The Wisdom of Solomon, Wisdom of Jesus the Son of Sirach, or Ecclesiasticus, 12mo. Edinburgh, 1755.

Select Discourses, (in number nine,) by John Smith, late Fellow of Queen's College, Cambridge. 12mo. pp. 291. Edinburgh, 1756; with a preface of five pages, "Many quotations from the learned languages translated,—and notes added, containing allusions to ancient Mythology, and to the erroneous philosophy which prevailed in the days of the author,—various inaccuracies of stile have been corrected, and harsh expressions softened."

46. ✓ A Discourse of the unnatural and vile Conspiracy attempted by John Earl of Gowry and his brother, against his Majesty's person, at St Johnstoun, upon the 5th of August 1600. No date of the republication, but the edition and notes supposed by Lord Hailes. 12mo, 1757.

✓ A Sermon, which might have been preached in East Lothian, upon the 25th day of October 1761, on Acts xxvii. 1, 2. "The barbarous people shewed us no little kindness." Edinburgh, 1761.—A most affecting discourse, admirably calculated to convince the offenders! Reprinted in 1794. 46.

✓ Memorials and Letters relating to the history of Britain, in the Reign of James I. published from the originals, Glasgow, 1762.—Addressed to Philip Yorke, Viscount Royston. "From a collection in the Advocates Library, by Balfour of Denmyln." The preface of four pages, signed Dav. Dalrymple. A 2^d Edit corrected and enlarged. 46. 1766.

The works of the ever-memorable Mr John Hales of Eaton, now first collected together in 3 vols. Glasgow, 1765; preface of three pages.—Dedicated to William (Warburton) Bishop of Gloucester.—"The edition said to be undertaken with his approbation; obsolete words altered, with corrections in spelling and punctuation."

46. ✓ A specimen of a book entitled, "Ane Compendious Booke of Godly and Spiritual Sangs, collectit out of sundrie parts of the Scripture, with sundrie of other Balates changed out of prophane Sangs, for avoiding of Sin and Harlotrie, with augmentation of sundrie Gude and Godly Balates, not contained in the first edition.—Edinburgh, printed by Andro Hart." 12mo. Edinburgh, 1765, pp. 42; with a glossary of four pages.

46. ✓ Memorials and Letters relating to the History of Britain in the reign of Charles I. published from the originals, Glasgow, 1766, pp. 189. Preface of six pages, signed Dav.

Dav. Dalrymple. Chiefly collected by Mr Wodrow, author of the History of the Church of Scotland. Inscribed to Robert Dundas of Arncliffe, Lord President of the Court of Session.

g6. An account of the preservation of Charles II. after the Battle of Worcester, drawn up by himself; to which are added, his Letters to several persons. Glasgow, 1766, pp. 190. from the MSS. of Mr Pepys, dictated to him by the king himself, and communicated by Dr Sandby, Master of Magdalen College. The Letters are collected from various books; some of them now first published, communicated by the tutors of the Duke of Hamilton, by the Earl of Dundonald, &c. The preface of four pages, signed Dav. Dalrymple. Dedicated to Thomas Holles, Duke of Newcastle, Chancellor of the University of Cambridge.

The secret Correspondence between Sir Robert Cecil and James VI. 12mo. 1766.

g6. A Catalogue of the Lords of Session, from the Institution of the College of Justice, in the year 1532, with Historical Notes. *Suum cuique—rependet posteritas.* Edinburgh, 1767. 4to. *A New Edit. Continued to 1799. g6.*

g6. The Private Correspondence of Dr Francis Atterbury, Bishop of Rochester, and his friends, in 1725, never before published. Printed in 1768, 4to. A fac-simile of the first from Bishop Atterbury to John Cameron of Lochiel, to prove their authenticity.

g6. An Examination of some of the arguments for the High Antiquity of *Regiam Majestatem*; and an Inquiry into the authenticity of the *Leges Malcolmi*; by Sir David Dalrymple, 4to. Edinburgh 1769.

g6. Historical Memoirs concerning the Provincial Councils of the Scottish Clergy, from the earliest accounts to the æra of the Reformation; by Sir David Dalrymple. Edinburgh, 1769, 4to.—*Nota*, Having no high opinion of the popularity of his writings, he prefixes to this work the following motto, "Si delectamur quum scribimus, quis est tam invidus qui ab eo nos abducat? sin laboramus, quis est qui alienæ modum statuat industriæ?" *Cicero*.

g6. Canons of the Church of Scotland, drawn up in the Provincial Councils held at Perth, A. D. 1242, and 1269. Edinburgh 1769, 4to. pp. 48.

Ancient Scottish Poems, published from the MS. of George Banatyne, 1568. Edinburgh, 1770. 12mo. Preface six pages. Poems pp. 221. Very curious notes pp. 92. Glossary, and lists of passages and words not understood, pp. 14.

g6. Remarks on the history of Scotland, by Sir David Dalrymple. Edinburgh, 1773. Inscribed to George Lord Lyttelton, in nine chapters, pp. 284, 12mo.

Huberti Langueti Epistolæ ad Philippum Sydneium Equitem Anglum, Accurante D. Dalrymple de Hailes, Eq. Edinburgh, 1776, 8vo. Inscribed to Lord Chief Baron Smyth.

Annals of Scotland, from the Accession of Malcolm III. surnamed Canmore, to the Accession of Robert I. By Sir David Dalrymple. Edinburgh, 1776, 4to.

Annals of Scotland, from the Accession of Robert I. surnamed Bruce, to the Accession of the House of Stewart. By Sir David Dalrymple. Edinburgh, 1779, 4to.

g6. Account of the Martyrs of Smyrna and Lyons, in the 2d Century; 12mo, with explanatory notes, Edinburgh 1776. Dedicated to Bishop Hurd. This is a new and correct Version of two most ancient Epistles; the one from the Church at Smyrna to the Church at Philadelphia; the other from the Christians at Vienne and Lyons, to those in Asia and Phrygia; their antiquity and authenticity are undoubted.—Great part of both is extracted from Eusebius's Ecclesiastical History.—The former was

was first completely edited by Archbishop Usher. The author of the notes says of them, with his usual and singular modesty, "That they will afford little new or interesting to men of erudition, though they may prove of some benefit to the unlearned reader." But the erudition he possessed in these branches is so rare, that this notice is unnecessary. They display much useful learning and ingenious criticism, and breathe the most ardent zeal, connected with an exemplary knowledge of Christianity.

N. B. This is the First Volume of the Remains of Christian Antiquity.

46. ✓ Remains of Christian Antiquity, with explanatory notes. Volume II. Edinburgh, 1778. 12mo. Dedicated to Dr Newton, Bishop of Bristol. This volume contains, The trial of Justin Martyr and his companions: Epistle of Dionysius, Bishop of Alexandria, to Fabius Bishop of Antioch. The trial and execution of Cyprian Bishop of Carthage. The trial and execution of Fructuosus Bishop of Tarracona in Spain, and of his two deacons, Augurius and Eulogius. The Maiden of Antioch. These are all newly translated by Lord Hailes, from Ruinart, Eusebius, Ambrose, &c. The notes and illustrations of this volume display a most intimate acquaintance with antiquity, great critical acumen, both in elucidating the sense and detecting interpolations; and above all, a fervent and enlightened zeal, in vindicating such sentiments and conduct, as are conformable to the word of God, against the sarcasms of Mr Gibbon.

46. ✓ Remains of Christian Antiquity, Volume III. Edinburgh, 1780. Dedicated to Thomas Balguy, D. D. It contains the History of the Martyrs of Palestine in the 3d century, translated from Eusebius. Notes and illustrations, in which Mr Gibbon again comes, and more frequently, under review.—The partiality and misrepresentations of this popular writer are here exposed in the calmest and most satisfactory manner.

Octavius, a Dialogue, by Marcus Minucius Felix. Edinburgh 1781, Preface pp. 16.—The speakers are Cœcilius a Heathen, Octavius a Christian; whose arguments prevail with his friend to renounce Paganism, and become a Christian profelyte. Notes and illustrations, pp. 120.

Of the manner in which the Persecutors died. A treatise; by L. C. F. Lactantius. Edinburgh, 1782. Inscribed to Dr Porteous Bishop of Chester, (present Bishop of London.) Preface pp. 37. in which it is proved that Lactantius is the author. Notes and Illustrations.

46. L. C. F. Lactantii Divinarum Institutionum Liber Quintus, seu de Justitia, 1777.

46. Disquisitions concerning the Antiquities of the Christian Church. Glasgow, 1783. Inscribed to Dr Halifax, Bishop of Gloucester.

It seems very probable that the close attention which Lord Hailes appears to have given to such subjects, was in some measure the effect of the mistakes and partiality of Gibbon. In no one work from 1776, the date of Mr Gibbon's first publication, has he omitted to trace this unfair and insinuating author; but in 1786, he came forth of set purpose with the most able and formidable reply which he has received, entitled, "An Inquiry into the Secondary Causes which Mr Gibbon has assigned for the rapid growth of Christianity, by Sir David Dalrymple, Edinburgh, 1786; gratefully and affectionately inscribed to Richard (Hurd) Bishop of Worcester, 4to. In five chapters.

✓ Sketch of the Life of John Barclay, author of *Argenis*.—4to. 1786.

✓ Sketch of the Life of John Hamilton, a Secular Priest, 4to, (one of the most savage and bigotted adherents of Popery, who lived about A. D. 1600.)

Sketch of the Life of Sir James Ramsay, a General Officer in the Armies of Gustavus Adolphus King of Sweden, with a head.

Life of George Leslie (an eminent Capuchin Friar, in the early part of the 17th Century,) 4to.

Sketch

Lord Hailes Works.

British Songs Sacred to Love and Virtue. Edin. 1756. 12^{mo}. published by him

46. A Letter to Chief Baron Ord with Specimen of Notes on the Statute Law of Scotland 1768. 8^{vo}

Growth of Christianity - by Dalrymple Edin. 1786. 4^{to}
The Life of Christ - by Dalrymple 1787. 8^{vo}

46. A Sketch of the Life of John Barclay author of Argenis. 1786. 4^{to}
publ^d as a specimen of a "Biographia Scotica".

46 Sketch of the Life of Mark Alexander Boyd. 4^{to}

46 46: Sketch of the Life of John Hamilton a Secular Priest. 4^{to}

46 Life of George Duff of Marnoch, a Caputian Friar 4^{to}

46 A Sketch of the Life of D^r Duncan Liddel of Aberdeen. Aberdeen 1790. 4^{to}

46 Sketch of the Life of Sir James Ramsay, a gen^l. Officer in the Army of Sweden. 4^{to}

Lactantii Institutiones Edit a Dalrymple — Edin^o. 1777. 12^{mo}
Lactantius of Persecutors — by Dalrymple — 1782. 12^{mo}

ADDITIONAL NOTES.

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Sketch of the Life of Mark Alexander Boyd, 4to.

These lives were written and published as a specimen of the manner in which a Biographia Scotica might be executed; and it is likely that Lord Hailes selected purposely the least interesting.

46. The Opinions of Sarah Duchess Dowager of Marlborough, published from her original MSS. 1788, 12mo. (With a few foot notes by Lord Hailes, in which he corrects the splenetic partiality of her Grace.)

46 The Address of Q. Sept. Tertullian to Scapula Tertullus, Proconsul of Africa, translated by Sir David Dalrymple, 12mo. Edinburgh 1790. Inscribed to Dr John Butler, Bishop of Hereford.

This address contains many particulars relating to the Church after the 3d century. The translator has rejected all words and phrases of French origin, and written entirely in the Anglo-Saxon dialect. In the course of the notes, many obscurities of the original, not adverted to by other commentators, are explained. Some strange inaccuracies of Mr Gibbon are also detected, not included in the misrepresentations of his two famous chapters.

This was the last work of this truly learned, respectable, and useful person. Whether he has left any finished works, is known only to his friends. This much only has been heard from good authority, that he was engaged in pursuits to examine the authenticity of the books of the New Testament. The result is said to have been, that he discovered every verse contained in it, with the exception of two or three, in the writings of the first three centuries.—Indeed this seems to have been an object in all his works; for at the end of each of his translations and editions of the primitive Christian Writers, a table is given of passages quoted or mentioned by them.

46 Lord Hailes also wrote Nos. 140. 147. 204. of the work entitled the *World*, published by Mr Moore in 1755 and 1756. The additional Case for Elizabeth, Countess of Sutherland, ¹⁷⁷⁰ was likewise the composition of his Lordship, though it bears the names of Alexander Wedderburne, (now Lord Chancellor,) and Sir Adam Ferguson. It ought not to be regarded merely as a law paper of great genius, but as a treatise illustrative of the history and antiquity of many important points of family succession.

Mr Thomas Miller of Barskimming. Cat. P. 17.

HE was the second son of Mr William Miller, Writer to the Signet, who was second son of Mr Matthew Miller of Glenlee. He was born in 1717, and came to the bar in 1742. In 1748 he was appointed Stewart of Kirkcudbright, which office he resigned in 1755, and was named Solicitor of Excise, an office in those days generally held by a lawyer. In 1760, he was appointed his Majesty's Advocate, and in 1761, was chosen Member of Parliament for the Dumfries district of boroughs. In 1766, he was raised to the Bench, and to the office of Lord Justice Clerk. On the death of his brother, in December 1780, his Lordship changed his title of Barskimming, to that of Glenlee, according to the directions of his father's entail. He was promoted to the President's chair in January 1788, on the demise of President Dundas, and was farther honoured

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with the dignity of a Baronet of Great Britain, (by patent dated 19th February 1788), under which title he is placed in the Catalogue. But these honours he did not long enjoy: "He died on the 27th September 1789, in the 72d year of his age, leaving no good man his enemy, and attended with that sincere regret, which only those can hope for, who have occupied the like important stations, and acquitted themselves as well." *Anon. Biog.*

He was esteemed a sound lawyer, and his decisions were given on such sure grounds, as to be seldom reversed by the Court.

His only son, now Sir William Miller, has likewise had the honour of a seat on the Bench (16th May 1795), on the decease of Lord Henderland.

Mr Alexander Lockhart of Covington. Cat. P. 17.

HE practised at the bar 53 years, with the highest reputation as a lawyer. The labours of his pen are almost incredible, even to those who knew the strength of his constitution. He seemed to think he could never work too hard for his client. During the winter Session, for a long period of years, he always rose at four o'clock in the morning.

It is believed he had declined a seat on the Bench, before his advanced age induced him to accept it on the death of Lord Strichen: He was then in his 75th year. It is to be here observed, that no vacancy happened on the Bench from the death of Lord Milton in 1767, to that of Lord Strichen in 1775; a period of eight years, and the longest to be found in the Catalogue. Lord Strichen had sat 45 years.

